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# W 7b

Staff: Tiffany S. Tauber  
Staff Report: November 3, 2006  
Hearing Date: November 15, 2006  
Commission Action:

TO: Commissioners and Interested Parties

FROM: Peter Douglas, Executive Director  
Robert S. Merrill, North Coast District Manager  
Tiffany S. Tauber, Coastal Planner

SUBJECT: **Humboldt County LCP Amendment No. HUM-MAJ-2-06 (Housing Element Resubmittal), Meeting of November 15, 2006**

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## **SYNOPSIS:**

### **Description of Proposed LCP Amendment:**

The Coastal Commission originally considered a comprehensive update of the Housing Element portion of Humboldt County's General Plan as LCP Amendment No. HUM-MAJ-1-99-B on February 9, 2006. At that hearing, the Commission denied the amendment as submitted, and then approved it with modifications necessary to achieve conformance with the Coastal Act. A detailed description of LCP Amendment No. HUM-MAJ-1-99-B and the findings adopted by the Commission on February 9, 2006 are attached as Exhibit No. 2.

Humboldt County is in agreement with the majority of the modifications to LCP Amendment No. HUM-MAJ-1-99-B previously approved by the Commission and has adopted a resolution accepting all of the suggested modifications with two exceptions and with one minor addition to the amendment. As a result, these changes desired by the County are incorporated in a resubmittal of LCP Amendment No. HUM-MAJ-1-99-B. The County's proposed amendment resubmittal is attached as Exhibit No. 1. Commission staff has assigned a new application number (HUM-MAJ-02-06) to the amendment resubmittal.

The County's resubmittal proposes the following changes to the previously certified Implementation Program portion of the LCP Amendment as modified:

- Delete the previously proposed amendment to the Design Review provisions of Section A314-57 of the Coastal Zoning Ordinance and the Commission's suggested modifications to that section;
- Add a cross-reference to the definition of "principally permitted use" contained in Section 313-163.1.9 next to each designated principal permitted use set forth for each of the 11 zoning districts affected by the previously approved LCP Amendment; and
- Omit the Commission's suggested modifications to Sections 313-163.9 and 313.9.9 regarding the definition of "principal permitted use" and the list of principally permitted uses for purposes of appeal to the Coastal Commission in the Agriculture Exclusive zoning district.

First, regarding the Design Review portion of the proposed amendment resubmittal, the County chose not to accept Suggested Modification No. 16 of LCP Amendment No. HUM-1-MAJ-1-99-B to the Design Review provisions of the amendment. In its original amendment proposal, the County intended to exempt minor changes to the exterior of structures located in the Design Review combining zone from requirements to obtain a special permit while continuing to require that all projects conform to the standards of the zone. In its February 6, 2006 action, the Commission determined that the changes proposed by the County included exemptions from coastal development permit requirements that were not consistent with the Coastal Act and the Commission's regulations. The Commission adopted Suggested Modification No. 16 to clarify that development identified as "exempt" in Sections 13250, 13252 and 13253 of Title 14, California Code of Regulations on specified lands is exempt from the requirement for a coastal development permit, and also exempt from the design review requirements of Section A314-57, unless a coastal development permit contains a condition stating that such exemptions are not available on the property. Furthermore, the modification clarified the list of development proposed by the County to be exempt from design review requirements. (See pages 84-87 of the Adopted Findings for LCP Amendment No. HUM-MAJ-99-1-B attached as Exhibit No. 2.) The County indicates that Suggested Modification No. 16 removed certain procedural requirements that were not considered by the Planning Commission and Board of Supervisors when they acted on the originally proposed amendment. Rather than accept Suggested Modification No. 16, the current amendment resubmittal proposes to delete the originally proposed amendment to the Design Review provisions and maintain the Design Review provisions as originally certified prior to approval of LCP Amendment No. HUM-MAJ-99-1-B. Therefore, the previously proposed changes to the Design Review provisions are no longer before the Commission for certification.

Secondly, the County's amendment resubmittal proposes a minor addition to each of the sections of the IP that list the standards for 11 different zoning districts, including Neighborhood Commercial (CN), Public Recreation (PR), Commercial Recreation (CR), Coastal-Dependent Commercial Recreation (CRD), Residential Single Family (RS), Residential Multi-Family (RM), Mixed Residential (R2), Rural Residential Agriculture (RA), Agriculture Exclusive (AE), Commercial Timber (TC), and Timberland Commercial Zone (TPZ). The amendment as resubmitted would add a cross-reference to the definition of "principal permitted use" next to the listed principal permitted use in each district. The proposed cross-reference would state "See Section 313-163.1.9." This proposed change is editorial in nature and does not affect the substance of the Commission's previous action on LCP Amendment No. HUM-MAJ-99-1-B and similarly does not raise an issue with regard to consistency with the Coastal Act.

Lastly, prior to the hearing on LCP Amendment No. HUM-MAJ-1-99-B on February 9, 2006, staff prepared an addendum dated February 8, 2006 that, in part, set forth recommended changes to Suggested Modification No. 35 in the staff report dated January 27, 2006. The addendum made changes to Sections 313-163.1.9 and 313-163.1.9.9 of Suggested Modification No. 35 to clarify that although residential and cottage industry uses in the AE zone do not require a conditional use permit, these types of development are not considered the principal permitted use for purposes of appeal to the Commission pursuant to Coastal Act Section 30603(a)(4). The suggested modifications would reserve the Commission's ability to review appeals of these types of development in the AE zone. The Commission approved the LCP Amendment as revised by the addendum and Adopted Findings were subsequently prepared to reflect the Commission's action. However, when the County adopted the resolution to accept the suggested modifications, the revisions contained in the addendum noted above were inadvertently excluded. As a result, the proposed amendment resubmittal does not reflect these changes previously approved by the Commission.

Although the changes contained in the LCP Amendment resubmittal proposed by the County are limited and minor in nature, under the resubmittal process, the entire content of the LCP Amendment previously acted upon by the Commission as modified by the new changes now proposed by the County is before the Commission and subject to additional review and modification. The Commission is not bound by its previous action and is free to certify the resubmitted amendment as submitted, deny certification, or certify with suggested modifications that are different than those originally imposed by the Commission in February 2006. Therefore, in addition to the County's proposed changes, staff is recommending three additional suggested modifications to:

- Clarify the maximum density bonus for Planned Unit Developments as 35% rather than 25% to ensure consistency with Government Code Section 65915;
- Reimpose suggested modifications to Section 313-163.9 and 313-163.9.9 regarding the definition of "principal permitted use" and the list of principally

permitted uses in the Agriculture Exclusive zoning district that were inadvertently omitted when the County took action to accept the suggested modifications adopted by the Commission on February 6, 2006; and

- Modify Section 313-163.9.11 to clarify the principal permitted use in the Timber Production zoning district (TPZ).

**Summary of Staff Recommendation:**

The staff recommends that the Commission, upon completion of a public hearing, deny the proposed amendment and certify the amendment request with suggested modifications described above.

The current amendment resubmittal proposes to delete the originally proposed amendment to the Design Review provisions and maintain the Design Review provisions as originally certified prior to approval of LCP Amendment No. HUM-MAJ-99-1-B. Therefore, the previously proposed changes to the Design Review provisions are no longer before the Commission for certification and do not raise an issue of consistency with the Coastal Act. Additionally, the amendment as resubmitted would add a cross-reference to the definition of “principal permitted use” next to the listed principal permitted use in each district. The proposed change is editorial in nature and does not affect the substance of the Commission’s previous action on LCP Amendment No. HUM-MAJ-99-1-B and similarly does not raise an issue with regard to consistency with the Coastal Act.

Staff recommends that the Commission impose Suggested Modification No. 1 and Suggested Modification No. 2 that would change the existing requirement that the 25% density bonus in the PUD land use designation and zoning district for extraordinary public benefits not be combined with housing or other density bonuses to instead allow such combinations of bonuses so that a maximum total bonus of 35% can be achieved in PUD designated areas to ensure consistency between the proposed amendment resubmittal and the current requirements of state housing law. Additionally, staff recommends that the Commission impose Suggested Modification No. 3 which would make corresponding modifications to maximum density bonus provisions of the Planned Unit Development provisions of the IP to ensure that the IP amendment is adequate to carry out the PUD policies of the LUP as modified.

Furthermore, staff recommends Suggested Modification No. 4 that would (1) clarify certain exceptions to the designation of the principal permitted use in the Agriculture Exclusive (AE) zoning district, and (2) clarify certain exceptions to the designation of the principal permitted use in the Timber Production (TPZ) zoning district to specify those uses that do not require a conditional use permit, but are uses not considered the principal permitted use for purposes of appeal to the Commission pursuant to Coastal Act Section 30603(a)(4). Staff believes that this modification is necessary to reserve the Commission’s ability to appeal certain uses approved by the County on AE and TPZ

lands because of the potential to raise an issue of conformance with the policies in the certified LCP regarding the protection of agricultural and timberland resources.

With the suggested modifications, staff believes the Land Use Plan component of the amendment will be consistent with the Chapter 3 Policies of the Coastal Act, **and** the implementation component will be adequate to carry out the certified Land Use Plan.

The appropriate motions and resolutions to adopt the staff recommendation are found on pages 6-8 of this report.

**Analysis Criteria:**

The relationship between the Coastal Act and a local government's Local Coastal Program can be described as a three-tiered hierarchy with the Coastal Act setting generally broad statewide policies. The Land Use Plan (LUP) portion of the LCP incorporates and refines Coastal Act policies for the local jurisdiction, giving guidance as to the kinds, locations, and intensities of coastal development. The Implementation Program (IP), or zoning portion of an LCP typically implements the LUP and sets forth zone districts and site regulations which are the final refinement specifying how coastal development is to proceed on a particular parcel. The LUP must be consistent with the Coastal Act. The IP must conform with, and be adequate to carry out the policies of the LUP.

In this case, the proposed LCP amendment affects both the LUP and IP components of the Humboldt County LCP. The LUP portion of Humboldt County's LCP consists of six (6) Area Plans, including by area from north to south: (1) North Coast, (2) Trinidad, (3) McKinleyville, (4) Humboldt Bay, (5) Eel River, and (6) South Coast. The proposed LCP amendment would effectuate changes to all six area plans of the LUP and to the Coastal Zoning Regulations, which are a principal component of the IP.

**Additional Information:**

For further information, please contact Tiffany S. Tauber at the North Coast District Office (707) 445-7833. Correspondence should be sent to the District Office at the above address.

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**PART ONE: RESOLUTIONS AND SUGGESTED MODIFICATIONS**

**I. MOTIONS, STAFF RECOMMENDATIONS, AND RESOLUTIONS FOR LCP AMENDMENT NO. HUM-MAJ-2-06**

**A. DENIAL OF LUP AMENDMENT NO. HUM-MAJ-2-06, AS SUBMITTED:**

**MOTION I:**     *I move that the Commission certify Land Use Plan Amendment No. HUM-MAJ-2-06 as resubmitted by the County of Humboldt.*

**STAFF RECOMMENDATION TO DENY:**

Staff recommends a **NO** vote. Failure of this motion will result in denial of the amendment as submitted and adoption of the following resolution and findings. The motion to certify as submitted passes only by an affirmative vote of a majority of the appointed Commissioners.

**RESOLUTION I TO DENY CERTIFICATION OF THE LAND USE PLAN AS SUBMITTED:**

The Commission hereby denies certification of the Land Use Plan Amendment No. HUM-MAJ-2-06 as resubmitted by the County of Humboldt and adopts the findings set forth below on the grounds that the land use plan amendment does not conform with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the land use plan amendment may have on the environment.

**B. CERTIFICATION OF LUP AMENDMENT NO. HUM-MAJ-2-06 WITH SUGGESTED MODIFICATIONS:**

**MOTION II:**     *I move that the Commission certify Land Use Plan Amendment No. HUM-MAJ-2-06 as resubmitted by the County of Humboldt if it is modified as suggested in this staff report.*

**STAFF RECOMMENDATION TO CERTIFY WITH SUGGESTED MODIFICATIONS:**

Staff recommends a **YES** vote. Passage of the motion will result in the certification of the land use plan amendment with suggested modifications and adoption of the following resolution and findings. The motion to certify with

suggested modifications passes only upon an affirmative vote of the majority of the appointed Commissioners.

**RESOLUTION II TO CERTIFY WITH SUGGESTED MODIFICATIONS:**

The Commission hereby certifies Land Use Plan Amendment No. HUM-MAJ-2-06 resubmitted by the County of Humboldt if modified as suggested and adopts the findings set forth below on the grounds that the land use plan amendment with suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment if modified as suggested complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the land use plan amendment on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the land use plan amendment may have on the environment.

**C. DENIAL OF IMPLEMENTATION PLAN AMENDMENT NO. HUM-MAJ-2-06, AS SUBMITTED:**

**MOTION III:** *I move that the Commission reject Implementation Plan Amendment No. HUM-MAJ-2-06 as resubmitted by the County of Humboldt.*

**STAFF RECOMMENDATION TO DENY:**

Staff recommends a **YES** vote. Passage of this motion will result in denial of the amendment as submitted and adoption of the following resolution and findings. The motion to certify as submitted passes only by an affirmative vote of a majority of the Commissioners present.

**RESOLUTION I TO DENY CERTIFICATION OF THE IMPLEMENTATION PLAN AS SUBMITTED:**

The Commission hereby denies certification of the Implementation Plan Amendment No. HUM-MAJ-2-06 on the grounds that, as resubmitted, it does not conform with and is inadequate to carry out the provisions of the Land Use Plan as certified. There are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse impact, within the meaning of CEQA that the approval of the Implementation Program would have on the environment.

**D. APPROVAL OF IMPLEMENTATION PLAN AMENDMENT NO. HUM-MAJ-2-06 IF MODIFIED AS SUGGESTED:**

**MOTION IV:** *I move that the Commission certify Implementation Program Amendment No. HUM-MAJ-2-06 as resubmitted by Humboldt County if it is modified as suggested in this staff report.*

**STAFF RECOMMENDATION:**

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Implementation Program amendment with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

**RESOLUTION TO CERTIFY THE IMPLEMENTATION PROGRAM AMENDMENT WITH SUGGESTED MODIFICATIONS:**

The Commission hereby certifies Implementation Program Amendment No. HUM-MAJ-2-06 as resubmitted by the County of Humboldt, if modified as suggested and adopts the findings set forth below on grounds that the Implementation Program with the suggested modifications will conform with, and be adequate to carry out, the provisions of the certified Land Use Plan as certified. Certification of the Implementation Program if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

**II. SUGGESTED MODIFICATIONS**

**Key for County Amendment and Commission Modification Language**

The Suggested Modifications proposed by the Commission are set forth below. A copy of the full text of the County's proposed LCP amendment resubmittal is included as Exhibit No. 1 attached at the end of the report. The exhibit shows the original County proposed amendments that the County is proposing again in the resubmittal in straight text and shows the Commission's suggested modifications from its action on LCP Amendment No. HUM-MAJ-1-99-B in single underline and single strikethrough. The exhibit shows new changes proposed as part of the resubmittal in double underline and double strikethrough. Attachment A of Exhibit No. 2 shows the original County proposed amendments submitted under LCP Amendment No. HUM-MAJ-1-99-B in highlighted form.



In this section and throughout the staff report, however, the text can be read as follows:

- Amended language proposed by the County in the resubmittal (including language incorporating the Commission's original suggested modifications) is shown in plain type;
- Language added by the Commission in the current action on the resubmittal amendment is shown in **bold double underline**;
- Language deleted by the Commission in the current action on the resubmittal amendment is shown in ~~double strikethrough~~.

**A. SUGGESTED MODIFICATIONS TO THE LAND USE PLAN:**

**Suggested Modification No. 1 (Density Bonus and Planned Unit Development):**

Modify the following language proposed by the County as new Section 5.15 in the Eel River, South Coast, McKinleyville, and North Coast Area Plans, as new Section 4.15 in the Trinidad Area Plan, and as a new paragraph to existing Section 4.10 in the Humboldt Bay Area Plan with modifications as follows:

**DENSITY BONUSES AND PLANNED UNIT DEVELOPMENTS**

Density ranges described in land use designations may be exceeded by a maximum of 35% to encourage affordable housing production pursuant to §65915 of the California Government Code (Density Bonuses) in effect in 2006. Any housing development approved pursuant to Government Code Section 65915 shall be consistent with all applicable certified local coastal program policies and development standards. In reviewing a proposed density increase, the County shall identify all feasible means of accommodating the density increase and consider the effects of such means on coastal resources. The County shall only grant a density increase if the County determines that the means of accommodating the density increase proposed by the applicant does not have an adverse effect on coastal resources. If, however, the County determines that the means for accommodating the density increase proposed by the applicant will have an adverse effect on coastal resources, the County shall not grant the density increase. Density ranges may also be exceeded within Planned Unit Development (PUD's) up to 25% if increasing the density would not have an adverse effect on coastal resources and would be consistent with all applicable local coastal program policies and development standards. The 25% density bonus limit for PUDs ~~is the maximum density bonus permitted; it may not be combined with any other density bonus allowed by County or State regulations if~~ **so long as** densities greater than ~~25%~~ **35%** would ~~not~~ **result and the means of accommodating the density bonus would not have an adverse effect on coastal resources as that term is defined in Section 112.1.6.5 of the Coastal Zoning Ordinance and would be consistent with all applicable LCP policies and development standards.** Also a variety of housing types and a mixture of residential and commercial uses may be allowed to encourage

affordable housing production under the provisions of State law referenced above, and in PUD's to encourage the provision of extraordinary public benefits within subdivisions.

**Suggested Modification No. 2 (Planned Unit Development):**

Modify the following language to the existing Planned Unit Development sections of the six Area Plans as follows:

**D. PLANNED UNIT DEVELOPMENT**

1. It shall be the policy of the County to encourage the Planned Unit Development (PUD) concept. Where such utilization would provide extraordinary benefits to the community and to the County, such as: dedications of open space and public access, protection of visual resources and sensitive habitats beyond that already required in Sections 3.41 and 3.42, incentives may include increases of up to 25% over planned densities if increasing the density would not have an adverse effect on coastal resources and would be consistent with all applicable local coastal program policies and development standards. The 25% density bonus limit for PUDs ~~is the maximum density bonus permitted; it may not be combined with any other density bonus allowed by County or State regulations~~ if so long as densities greater than 25% 35% would not result and the means of accommodating the density bonus would not have an adverse effect on coastal resources as that term is defined in 112.1.6.5 of the Coastal Zoning Ordinance and would be consistent with all applicable LCP policies and development standards.

**B. SUGGESTED MODIFICATIONS TO THE IMPLEMENTATION PLAN**

**Suggested Modification No. 3 (Planned Unit Development)**

Modify Section 313-31.5.1, Residential Density Standards, as follows:

**313-31.1 P: PLANNED UNIT DEVELOPMENT**

- 31.1.1 **Purpose.** The purpose of these provisions is to encourage planned developments, and to allow flexibility in the administration of the development standards in this Division for the purpose of: (Former Section CZ#A314-62(A))

...

- 31.1.5 **Modifications of Development Standards.** The following development standard modifications may be approved by the Planning Commission reviewing the

Planned Unit Development permit applications only if it is determined that the means of accommodating the proposed development standard modifications would not have an adverse effect on coastal resources. If, however, the County determines that the means for accommodating the proposed development standard modifications proposed by the applicant would have an adverse effect on coastal resources, the County shall not grant the development standard modification:: (Former Section CZ#A314-62(E))

31.1.5.1 Residential Density Standards. (Former Section CZ#A314-62(E)(1))

31.1.5.1.1 Applicable residential density standards may be increased by as much as twenty-five percent (25%) if the development incorporates extraordinary public benefits such as enhancement of sensitive habitats, visual resources, or cultural resources, development and maintenance of public access to recreational areas, or at least forty percent (40%) of the total lot area of the PUD is reserved for common open space areas which conform to all the following requirements: (Former Section CZ#A314-62(E)(1)(a); Amended by Ord. 2167, Sec. 35, 4/7/98)

31.1.5.1.1.1 They must be useable and available to occupants of the PUD. (Former Section CZ#A314-62(E)(1)(a); Added by Ord. 2167, Sec. 35, 4/7/98)

31.1.5.1.1.2 They must average at least 100 feet in width. (Former Section CZ#A314-62(E)(1)(a); Added by Ord. 2167, Sec. 35, 4/7/98)

31.1.5.1.1.3 At least one half of the required open space shall have an overall finished grade not to exceed ten percent (10%) and shall be suitably improved for its intended purpose. (Former Section CZ#A314-62(E)(1)(a); Added by Ord. 2167, Sec. 35, 4/7/98)

31.1.5.1.1.4 All lawn and landscaped areas within the required common open space shall be provided with a permanent watering system adequate to maintain such areas in a healthy condition. (Former Section CZ#A314-62(E)(1)(a); Added by Ord. 2167, Sec. 35, 4/7/98)

31.1.5.1.2 The 25% density bonus limit for PUDs ~~is the maximum density bonus permitted; it may not be combined with any other density bonus allowed by County or State regulations~~ if so long as densities greater than 25% 35% would not result and the means of accommodating the density bonus would not have an adverse effect on coastal resources as that term is defined in

**Section 112.1.6.5 and would be consistent with all applicable LCP policies and development standards.** (Former Section CZ#A314-62(E)(1)(b); Added by Ord. 2167, Sec. 35, 4/7/98)

...

**Suggested Modification No. 4 (Principal Permitted Use)**

Modify Sections 313-163.1.9, 313-163.1.9.9, and 313-163.1.9.11 as follows:

**313-163 LISTING OF USE TYPE AND PRINCIPAL PERMITTED USE CLASSIFICATIONS**

...

163.1.9 Principal Permitted Uses. These are uses that are allowed without a conditional use permit and that are considered the “principal permitted use” for purposes of appeal to the Coastal Commission **(with the exception of (a) Single Family Residential, Second Agriculture or Commercial Timber Production Residence (on a lot sixty (60) acres or larger in size), or Cottage Industry uses in the Agriculture Exclusive zoning district as enumerated in Section 163.1.9.9 below, and (b) Single Family Residential or Cottage Industry uses in the Timber Production zoning district as enumerated in Section 163.1.9.11 below).** Subdivisions, including lot line adjustments, are not considered a principal permitted use in any zoning district in the coastal zone.

...

163.1.9.9 Agricultural Exclusive

The Agricultural Exclusive Principally Permitted Use includes the following uses: Single Family Residential; Second Agriculture or Commercial Timber Production Residence (on a lot sixty (60) acres or larger in size); General Agriculture; Timber Production; Cottage Industry (subject to the Cottage Industry Regulations); and Minor Utilities to serve such uses. **Single Family Residential, Second Agriculture or Commercial Timber Production Residence (on a lot sixty (60) acres or larger in size), and Cottage Industry use types do not require a conditional use permit, but are not considered the principal permitted use for purposes of appeal to the Coastal Commission pursuant to Section 312-13.12.3 of the Coastal Zoning Ordinance and Section 30603(a)(4) of the Coastal Act.**

...

- 163.1.9.11 Timber Production  
The Timber Production Principally Permitted Use includes the following uses: Timber Production; Single Family Residential; Cottage Industry (subject to the Cottage Industry Regulations); and Minor Utilities to serve such uses. **Single Family Residential and Cottage Industry use types do not require a conditional use permit, but are not considered the principal permitted use for purposes of appeal to the Coastal Commission pursuant to Section 312-13.12.3 of the Coastal Zoning Ordinance and Section 30603(a)(4) of the Coastal Act.**

...

**Suggested Modification No. 5 (Density Bonus)**

Modify the definition of "Density Bonus" as follows:

- B. **Definitions.** Whenever the following terms are used in this Section, they shall have the meaning established by this Subsection:

...

(4) "Density Bonus" means a ~~minimum~~ density increase of ~~at least 25 percent, unless a lesser percentage is elected by the applicant,~~ over the otherwise Maximum Residential Density under the certified LCP. The amount of density bonus to which the applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the percentage established in subdivision (C) of this section. For each 1 percent increase above 10 percent in the percentage of units affordable to lower income households, the density bonus shall be increased by 1.5 percent up to a maximum of 35 percent.

**I. ANALYSIS CRITERIA**

The standard of review for the proposed amendment to the Land Use Plan (LUP) portion of the Humboldt County LCP is the Chapter 3 policies of the Coastal Act.

**II. FINDINGS FOR DENIAL OF LAND USE PLAN AMENDMENT NO. HUM-MAJ-2-06 AS SUBMITTED AND CERTIFICATION IF MODIFIED**

The Commission finds and declares as following for LCP Amendment No. HUM-MAJ-2-06:

**Staff Note:** To reduce redundancy, the pertinent portions of the findings the Commission previously adopted on February 9, 2006 for LCP Amendment No. HUM-MAJ-1-99-B regarding the LUP amendment's consistency with Chapter 3 of the Coastal Act, if modified as suggested by the Commission, are not repeated, but are incorporated by reference and attached as Exhibit No. 2. The specific findings pertinent to the LUP portion of the amendment as resubmitted and incorporated by reference herein include Part Three, Section (II)(1) of Exhibit No. 2. Other findings contained in Exhibit No. 2 are either not pertinent to the Commission's current action on the resubmitted LCP amendment or have been replaced by the findings below. The following findings only address the conformance with Chapter 3 of those portions of the resubmitted amendment for which either the County has proposed further changes, the Commission is suggesting further modifications, or both.

**1. DENSITY BONUS AND PLANNED UNIT DEVELOPMENTS**

**a. Background**

The LUP portion of LCP Amendment No. HUM-MAJ-1-99-B added a new section to the Introduction of the "Standards for Plan Designations" section in each of the six Area Plans that comprise the County's Land Use Plan. The approved amendment (1) allowed for density ranges in land use designations to be exceeded to encourage affordable housing pursuant to Government Code Section 65915, and (2) increased from 20% to 25% an existing residential density bonus for Planned Unit Development (PUD) projects that are designed to provide extraordinary public benefits. The approved amendment also allowed a variety of housing types and a mixture of residential and commercial uses to encourage the development of affordable housing and the provision of extraordinary public benefits within planned unit developments.

Suggested Modification Nos. 1 and 2 of LCP Amendment No. HUM-MAJ-1-99-B clarified that a residential density increase for a particular development shall only be approved if it is determined that the means of accommodating the proposed development standard modifications would not have an adverse effect on coastal resources and would be consistent with all applicable local coastal program policies and development standards. Suggested Modification No. 1 also specified a 25% maximum allowable density increase for planned unit developments and included a statement that reflected

proposed IP language noting that a 25% density bonus limit for PUDs is the maximum density bonus permitted and that it may not be combined with any other density bonus allowed by County or State regulations if densities greater than 25% would result. The Commission's previously adopted findings regarding the consistency of the Density Bonus and Planned Unit Development LUP amendments, as modified, with the Coastal Act are found on pages 52-59 of the Adopted Findings for HUM-MAJ-99-1-B attached as Exhibit No. 2.

As proposed in the amendment resubmittal, the LUP provisions regarding density bonus and planned unit developments incorporate the suggested modifications approved under LCP Amendment No. HUM-MAJ-1-99-B and thus, are consistent with the Coastal Act. However, as the maximum density bonus limit allowable under Government Code Section 65915 is 35% rather than 25%, the Commission finds that the LUP requires further modification as discussed below to ensure consistency with state housing law.

**b. Amendment Description**

Specifically, the County proposes to add the following language as new Section 5.15 in the Eel River, South Coast, McKinleyville, and North Coast Area Plans, as new Section 4.15 in the Trinidad Area Plan, and as a new paragraph to existing Section 4.10 in the Humboldt Bay Area Plan:

**DENSITY BONUSES AND PLANNED UNIT DEVELOPMENTS**

Density ranges described in land use designations may be exceeded by a maximum of 35% to encourage affordable housing production pursuant to §65915 of the California Government Code (Density Bonuses) in effect in 2006. Any housing development approved pursuant to Government Code Section 65915 shall be consistent with all applicable certified local coastal program policies and development standards. In reviewing a proposed density increase, the County shall identify all feasible means of accommodating the density increase and consider the effects of such means on coastal resources. The County shall only grant a density increase if the County determines that the means of accommodating the density increase proposed by the applicant does not have an adverse effect on coastal resources. If, however, the County determines that the means for accommodating the density increase proposed by the applicant will have an adverse effect on coastal resources, the County shall not grant the density increase. Density ranges may also be exceeded within Planned Unit Development (PUD's) up to 25% if increasing the density would not have an adverse effect on coastal resources and would be consistent with all applicable local coastal program policies and development standards. The 25% density bonus limit for PUDs is the maximum density bonus permitted; it may not be combined with any other density bonus allowed by County or State regulations if densities greater than 25% would result. Also a variety of housing types and a mixture of residential and commercial uses may be allowed to encourage affordable housing production under the provisions

of State law referenced above, and in PUD's to encourage the provision of extraordinary public benefits within subdivisions.

The County further proposes to add the following language to the existing Planned Unit Development sections of the six Area Plans:

**D. PLANNED UNIT DEVELOPMENT**

2. It shall be the policy of the County to encourage the Planned Unit Development (PUD) concept. Where such utilization would provide extraordinary benefits to the community and to the County, such as: dedications of open space and public access, protection of visual resources and sensitive habitats beyond that already required in Sections 3.41 and 3.42, incentives may include increases of up to 25% over planned densities if increasing the density would not have an adverse effect on coastal resources and would be consistent with all applicable local coastal program policies and development standards. The 25% density bonus limit for PUDs is the maximum density bonus permitted; it may not be combined with any other density bonus allowed by County or State regulations if densities greater than 25% would result.

**c. Analysis**

The proposed LUP amendment resubmittal includes adding an identical policy to each of the six area plans that encourages the Planned Unit Development (PUD) concept and parallels existing standards in the zoning ordinance that provide for an increase of up to 25% over planned densities when extraordinary benefits to the community and the County are provided such as dedication of open space and public access, protection of visual resources and sensitive habitats, and provision of low and/or moderate income units. A Planned Unit Development is defined by the LCP as, "*a development which, on an individual parcel, permits variable parcel sizes but an overall density consistent with the gross densities permitted in the Area Plan in order to provide development compatible with environmental, geologic or topographic features of a parcel.*" The proposed planned unit development provisions of the LUP are implemented by corresponding policies in the Coastal Zoning Ordinance, which similarly provide for an allowable density bonus of 25% in planned unit developments that meet certain criteria. The proposed PUD provisions further require that the 25% density bonus limit is the maximum density bonus permitted and that it may not be combined with any other density bonus allowed by County or State regulations if densities greater than 25% would result. However, the Commission notes that Government Code Section 65915 allows a maximum density bonus of 35% in all land use designations, including PUD designations, if certain criteria are met. Therefore, Suggested Modification No. 1 and Suggested Modification No. 2 below would change the existing requirement that the 25% density bonus in the PUD land use designation and zoning district for extraordinary



public benefits not be combined with housing or other density bonuses to instead allow such combinations of bonuses so that a maximum total bonus of 35% can be achieved in PUD designated areas to ensure consistency between the proposed amendment resubmittal and the current requirements of state housing law.

**d. Suggested Modifications**

**Suggested Modification No. 1 (Density Bonus and Planned Unit Development):**

Modify the following language proposed by the County as new Section 5.15 in the Eel River, South Coast, McKinleyville, and North Coast Area Plans, as new Section 4.15 in the Trinidad Area Plan, and as a new paragraph to existing Section 4.10 in the Humboldt Bay Area Plan with modifications as follows:

**DENSITY BONUSSES AND PLANNED UNIT DEVELOPMENTS**

Density ranges described in land use designations may be exceeded by a maximum of 35% to encourage affordable housing production pursuant to §65915 of the California Government Code (Density Bonuses) in effect in 2006. Any housing development approved pursuant to Government Code Section 65915 shall be consistent with all applicable certified local coastal program policies and development standards. In reviewing a proposed density increase, the County shall identify all feasible means of accommodating the density increase and consider the effects of such means on coastal resources. The County shall only grant a density increase if the County determines that the means of accommodating the density increase proposed by the applicant does not have an adverse effect on coastal resources. If, however, the County determines that the means for accommodating the density increase proposed by the applicant will have an adverse effect on coastal resources, the County shall not grant the density increase. Density ranges may also be exceeded within Planned Unit Development (PUD's) up to 25% if increasing the density would not have an adverse effect on coastal resources and would be consistent with all applicable local coastal program policies and development standards. The 25% density bonus limit for PUDs ~~is the maximum density bonus permitted; it may not be combined with any other density bonus allowed by County or State regulations if~~ **so long as densities greater than 25% 35% would not result and the means of accommodating the density bonus would not have an adverse effect on coastal resources as that term is defined in Section 112.1.6.5 of the Coastal Zoning Ordinance and would be consistent with all applicable LCP policies and development standards.** Also a variety of housing types and a mixture of residential and commercial uses may be allowed to encourage affordable housing production under the provisions of State law referenced above, and in PUD's to encourage the provision of extraordinary public benefits within subdivisions.

**Suggested Modification No. 2 (Planned Unit Development):**

Modify the following language to the existing Planned Unit Development sections of the six Area Plans as follows:

D. PLANNED UNIT DEVELOPMENT

3. It shall be the policy of the County to encourage the Planned Unit Development (PUD) concept. Where such utilization would provide extraordinary benefits to the community and to the County, such as: dedications of open space and public access, protection of visual resources and sensitive habitats beyond that already required in Sections 3.41 and 3.42, incentives may include increases of up to 25% over planned densities if increasing the density would not have an adverse effect on coastal resources and would be consistent with all applicable local coastal program policies and development standards. The 25% density bonus limit for PUDs ~~is the maximum density bonus permitted; it may not be combined with any other density bonus allowed by County or State regulations~~ if so long as densities greater than 25% 35% would not result and the means of accommodating the density bonus would not have an adverse effect on coastal resources as that term is defined in Section 112.1.6.5 of the Coastal Zoning Ordinance and would be consistent with all applicable LCP policies and development standards.

## **PART FOUR: AMENDMENTS TO IMPLEMENTATION PROGRAM**

### **I. ANALYSIS CRITERIA**

The standard of review for the proposed amendment to the Implementation Plan (IP) of the Humboldt County LCP is whether the IP, as amended, conforms with and is adequate to carry out the certified LUP, as amended and modified herein. For the reasons discussed in the findings below, the proposed amendment to the Implementation Program is not consistent with or adequate to carry out the certified Land Use Plan. As modified, the proposed amendment to the IP would conform with and be adequate to carry out the LUP as amended with suggested modifications by Humboldt County LCP Amendment No. HUM-MAJ-2-06.

### **II. FINDINGS FOR DENIAL OF IP AMENDMENT NO. HUM-MAJ-2-06 AS SUBMITTED AND CERTIFICATION IF MODIFIED**

The Commission finds and declares as following for IP Amendment No. HUM-MAJ-2-06:

**Staff Note:** To reduce redundancy, the pertinent portions of the findings the Commission previously adopted on February 9, 2006 for LCP Amendment No. HUM-MAJ-1-99-B regarding the IP's conformance with and adequacy to carry out the LUP, as modified, are not repeated, but are incorporated by reference and attached as Exhibit No. 2. The specific findings pertinent to the IP portion of the amendment as resubmitted and incorporated by reference herein include Part Four Sections (II)(4), (6), and (10) of Exhibit No. 2. Other findings contained in Exhibit No. 2 are either not pertinent to the Commission's current action on the resubmitted LCP amendment or have been replaced by the findings below. The following findings only address the conformance with and adequacy to carry out the LUP of those portions of the resubmitted amendment for which either the County has proposed further changes, the Commission is suggesting further modifications, or both.

#### **1. PLANNED UNIT DEVELOPMENT**

##### **a. Background**

LCP Amendment No. HUM-MAJ-1-99-B made changes to the IP provisions regarding Planned Unit Developments (PUD) to (1) increase the allowable density standard from 20% to a maximum of 25% for those developments incorporating extraordinary public benefits, (2) add additional residential density standards, and (3) provide updated and more thorough design guidelines.

Suggested Modification No. 19 of LCP Amendment No. HUM-MAJ-1-99-B clarified that the modifications of development standards regarding residential density, lot size, lot coverage, setbacks, and building types shall only be approved for a particular development if it is determined that the means of accommodating the proposed development standard modifications would not have an adverse effect on coastal resources. Suggested Modification No. 20 clarified that the proposed PUD design guidelines do not eliminate or supersede the need to comply with all other applicable requirements of the certified LCP.

The Commission's previously adopted findings regarding the Planned Unit Development IP amendment's conformance with and adequacy to carry out the LUP as modified are found on pages 94-100 of the Adopted Findings for LCP Amendment No. HUM-MAJ-1-99-B attached as Exhibit No. 2. As proposed in the amendment resubmittal, the IP provisions regarding Planned Unit Developments incorporate the suggested modifications approved under LCP Amendment No. HUM-MAJ-1-99-B and thus, largely conform with and are adequate to carry out the LUP. However, as Government Code Section 65915 allows for a maximum density bonus of 35%, rather than 25%, the Commission finds that the proposed IP amendment resubmittal requires further modification as discussed below to ensure consistency with state housing law and to conform with and carry out the LUP as modified herein.

**b. Relevant LUP Policies**

LUP Section 5.15 (Eel River, South Coast, McKinleyville, and North Coast Area Plans), Section 4.15 (Trinidad Area Plan), and Section 4.10 (Humboldt Bay Area Plan) as amended and modified:

Density ranges described in land use designations may be exceeded by a maximum of 35% to encourage affordable housing production pursuant to §65915 of the California Government Code (Density Bonuses) in effect in 2006. Any housing development approved pursuant to Government Code Section 65915 shall be consistent with all applicable certified local coastal program policies and development standards. In reviewing a proposed density increase, the County shall identify all feasible means of accommodating the density increase and consider the effects of such means on coastal resources. The County shall only grant a density increase if the County determines that the means of accommodating the density increase proposed by the applicant does not have an adverse effect on coastal resources. If, however, the County determines that the means for accommodating the density increase proposed by the applicant will have an adverse effect on coastal resources, the County shall not grant the density increase. Density ranges may also be exceeded within Planned Unit Development (PUD's) up to 25% if increasing the density would not have an adverse effect on coastal resources and would be consistent with all applicable local coastal program policies and development standards. The 25% density bonus limit for PUDs may be combined with any other density bonus allowed by County or State regulations so

long as densities greater than 35% would not result. Also a variety of housing types and a mixture of residential and commercial uses may be allowed to encourage affordable housing production under the provisions of State law referenced above, and in PUD's to encourage the provision of extraordinary public benefits within subdivisions.

LUP Section 3.15, as amended and modified:

D. PLANNED UNIT DEVELOPMENT

4. It shall be the policy of the County to encourage the Planned Unit Development (PUD) concept. Where such utilization would provide extraordinary benefits to the community and to the County, such as: dedications of open space and public access, protection of visual resources and sensitive habitats beyond that already required in Sections 3.41 and 3.42, incentives may include increases of up to 25% over planned densities if increasing the density would not have an adverse effect on coastal resources and would be consistent with all applicable local coastal program policies and development standards. The 25% density bonus limit for PUDs may be combined with any other density bonus allowed by County or State regulations so long as densities greater than 35% would not result.

c. Analysis

The proposed IP amendment as resubmitted would allow up to a 25% density increase for planned unit developments that meet certain criteria. Thus, for every four units normally allowed, a fifth unit could be allowed in a PUD provided the development incorporates extraordinary public benefits. As discussed in Part Three, section 1(d) above, the LUP contains provisions regarding planned unit developments as modified by Suggested Modification No. 1 and No. 2 to change the existing requirement that the 25% density bonus in the PUD land use designation and zoning district for extraordinary public benefits not be combined with housing or other density bonuses to instead allow such combinations of bonuses so that a maximum total bonus of 35% can be achieved in PUD designated areas to ensure consistency between the proposed amendment resubmittal and the current requirements of state housing law. The planned unit development provisions of the LUP are implemented by corresponding policies in Section 313-31 of the Coastal Zoning Ordinance cited above, which as proposed, similarly provide for an allowable density bonus of 25% in planned unit developments that meet certain criteria. The proposed PUD provisions further require that the 25% density bonus limit is the maximum density bonus permitted and that it may not be combined with any other density bonus allowed by County or State regulations if densities greater than 25% would result. However, the Commission notes that Government Code Section 65915 allows a maximum 35% density bonus in all land use designations including PUD designations, if certain criteria are met. Therefore, Suggested Modification No. 3 below would change

the existing requirement that the 25% density bonus in the PUD land use designation and zoning district for extraordinary public benefits not be combined with housing or other density bonuses to instead allow such combinations of bonuses so that a maximum total bonus of 35% can be achieved in PUD designated areas to ensure consistency between the proposed amendment resubmittal and the current requirements of state housing law, and to ensure that the IP amendment is adequate to carry out the PUD policies of the LUP as modified.

Only as modified by Suggested Modification No. 3 below, would the Implementation Plan amendment regarding Planned Unit developments be adequate to conform with and carry out the LUP, as modified.

**d. Suggested Modification**

**Suggested Modification No. 3**

Modify Section 313-31.5.1, Residential Density Standards, as follows:

**313-31.1 P: PLANNED UNIT DEVELOPMENT**

**31.1.1 Purpose.** The purpose of these provisions is to encourage planned developments, and to allow flexibility in the administration of the development standards in this Division for the purpose of: (Former Section CZ#A314-62(A))

...

**31.1.5 Modifications of Development Standards.** The following development standard modifications may be approved by the Planning Commission reviewing the Planned Unit Development permit applications only if it is determined that the means of accommodating the proposed development standard modifications would not have an adverse effect on coastal resources. If, however, the County determines that the means for accommodating the proposed development standard modifications proposed by the applicant would have an adverse effect on coastal resources, the County shall not grant the development standard modification:: (Former Section CZ#A314-62(E))

**31.1.5.1 Residential Density Standards.** (Former Section CZ#A314-62(E)(1))

**31.1.5.1.1** Applicable residential density standards may be increased by as much as twenty-five percent (25%) if the development incorporates extraordinary public benefits such as enhancement of sensitive habitats, visual resources, or cultural resources, development and maintenance of public access to recreational areas, or at least forty percent (40%) of the total lot area of the

PUD is reserved for common open space areas which conform to all the following requirements: (Former Section CZ#A314-62(E)(1)(a); Amended by Ord. 2167, Sec. 35, 4/7/98)

31.1.5.1.1.1 They must be useable and available to occupants of the PUD. (Former Section CZ#A314-62(E)(1)(a); Added by Ord. 2167, Sec. 35, 4/7/98)

31.1.5.1.1.2 They must average at least 100 feet in width. (Former Section CZ#A314-62(E)(1)(a); Added by Ord. 2167, Sec. 35, 4/7/98)

31.1.5.1.1.3 At least one half of the required open space shall have an overall finished grade not to exceed ten percent (10%) and shall be suitably improved for its intended purpose. (Former Section CZ#A314-62(E)(1)(a); Added by Ord. 2167, Sec. 35, 4/7/98)

31.1.5.1.1.4 All lawn and landscaped areas within the required common open space shall be provided with a permanent watering system adequate to maintain such areas in a healthy condition. (Former Section CZ#A314-62(E)(1)(a); Added by Ord. 2167, Sec. 35, 4/7/98)

31.1.5.1.2 The 25% density bonus limit for PUDs ~~is the maximum density bonus permitted; it may not be combined with any other density bonus allowed by County or State regulations if so long as densities greater than 25%~~ **35% would not result and the means of accommodating the density bonus would not have an adverse effect on coastal resources as that term is defined in Section 112.1.6.5 and would be consistent with all applicable LCP policies and development standards.** (Former Section CZ#A314-62(E)(1)(b); Added by Ord. 2167, Sec. 35, 4/7/98)

...

## **2. PRINCIPAL PERMITTED USES**

### **a. Background**

LCP Amendment No. HUM-MAJ-1-99-B included various changes to eleven of the nineteen zoning districts in the County's coastal zoning ordinance including the following: Neighborhood Commercial (CN), Public Recreation (PR), Commercial Recreation (CR), Coastal-Dependent Commercial Recreation (CRD), Residential Single Family (RS), Residential Multi-Family (RM), Mixed Residential (R2), Rural Residential

Agriculture (RA), Agriculture Exclusive (AE), Commercial Timber (TC), and Timberland Commercial Zone (TPZ). The IP includes a list of principal and conditional uses within each zoning district, as well as standards for lot size, density, site development, setbacks, etc.

Coastal Act Section 30603 lists the types of development that may be appealed to the Coastal Commission when a local government has taken action on a coastal development permit application. Section 30603(4) includes: “Any development approved by a coastal county that is not designated as *the* principal permitted use under the zoning ordinance or zoning district map approved pursuant to Chapter 6 (commencing with Section 30500)” (emphasis added).

As certified prior to LCP Amendment No. HUM-MAJ-99-1-B, the IP listed several principal permitted uses in many of the County’s zoning districts with no single use designated as *the* “principal permitted use.” Therefore, in the districts with no single use designated as *the* “principal permitted use,” the IP was interpreted such that every development permitted as a principal permitted use in a particular zoning district is appealable to the Commission, creating a cumbersome and unnecessary problem rectified by identifying one “principal permitted use” for purposes of appeals to the Coastal Commission. Thus, Suggested Modification Nos. 24-35 of LCP Amendment No. HUM-MAJ-1-99-B identified one “principal permitted use” for the eleven zoning districts affected by the amendment for purposes of appeals to the Coastal Commission pursuant to Section 312-13.12.3 of the County’s Coastal Zoning Ordinance and Section 30603(a)(4) of the Coastal Act.

Prior to the hearing on LCP Amendment No. HUM-MAJ-1-99-B on February 9, 2006, staff prepared an addendum dated February 8, 2006 that, in part, set forth recommended changes to Suggested Modification No. 35 in the staff report dated January 27, 2006. The addendum made changes to Sections 313-163.1.9 and 313-163.1.9.9 of Suggested Modification No. 35 to clarify that although residential and cottage industry uses in the AE zone do not require a conditional use permit, these types of development are not considered the principal permitted use for purposes of appeal to the Commission pursuant to Coastal Act Section 30603(a)(4). The suggested modifications would reserve the Commission’s ability to review appeals of these types of development in the AE zone. The Commission approved the LCP Amendment as revised by the addendum and Adopted Findings were subsequently prepared to reflect the Commission’s action (attached as Exhibit No. 1). The adopted findings regarding principal permitted uses are found on pages 113-115 of the Adopted Findings for LCP Amendment No. HUM-MAJ-1-99-B attached as Exhibit No. 2.

The County’s resubmittal incorporates the majority of the Commission’s previously adopted suggested modifications. However, when the County adopted the resolution to accept the suggested modifications, the revisions contained in the addendum noted above were inadvertently excluded. As a result, the proposed amendment resubmittal does not reflect these changes previously approved by the Commission. Therefore, the applicable



suggested modifications previously approved by the Commission are reimposed below. Additionally, Suggested Modification No. 4 makes an additional change to Section 313-163.1.9.11 to clarify the principal permitted use in the TPZ zoning district.

**b. Analysis**

Coastal Act Section 30603 lists the types of development that may be appealed to the Coastal Commission when a local government has taken action on a coastal development permit application. Section 30603(4) includes: “Any development approved by a coastal county that is not designated as the principal permitted use under the zoning ordinance or zoning district map approved pursuant to Chapter 6 (commencing with Section 30500)” (emphasis added).

Section 313-163.1.9 and subsections 313-163.1.9.1 through 313-163.1.9.11 of the proposed amendment resubmittal enumerate the activities included as the principal permitted use for each zoning district. Section 313-163.1.9 clarifies that these activities are allowed without a conditional use permit and are considered the “principal permitted use” for purposes of appeal to the Coastal Commission pursuant to Coastal Act Section 30603(a)(4).

Regarding the proposed amendment to Section 313-163.1.9.9 that enumerates the principal permitted use for the Agriculture Exclusive zoning district, the Commission finds that the development of uses not central to agricultural use on AE lands, such as residential development and cottage industries, raise significant issues with regard to the potential to impair agricultural viability of the land in a manner inconsistent with the intent of the zoning designation and the protection of agricultural resources. The County’s LUP incorporates Coastal Act Sections 30241 and 30242 that set forth provisions for the protection of agricultural land and minimizing conflicts between agricultural and urban land uses by, in part, limiting the conversion of agricultural land for non-agricultural uses and by assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability. Lands zoned Agriculture Exclusive (AE) are specifically reserved for long-term productive agricultural use, namely the production of food, fiber, or plants. Therefore, the Commission finds that it is important to reserve the Commission’s ability to appeal any residential development and associated cottage industry approved by the County on AE lands that because of its potential to raise an issue of conformance with the policies in the certified LCP regarding the protection of agricultural lands.

Thus, the Commission imposes Suggested Modification No. 4 to clarify certain exceptions to the designation of the principal permitted use in the Agriculture Exclusive (AE) zoning district. Specifically, Suggested Modification No. 4 clarifies that although Single Family Residential, Second Agriculture or Timber Commercial Production Residence on a lot sixty (60) acres or larger in size, and Cottage Industry uses are included under the Agriculture Exclusive Principal Permitted Use and thus, do not

require a conditional use permit, these uses are not considered the principal permitted use for purposes of appeal to the Commission pursuant to Coastal Act Section 30603(a)(4).

Similarly, regarding the proposed amendment to Section 313-163.1.9.11 that enumerates the principal permitted use in the Timber Production zoning district, the Commission finds that the development of uses not central to timber production on TPZ lands, such as residential development and cottage industries, raise significant issues with regard to the potential to impair the long-term productivity of timberlands in a manner inconsistent with the intent of the zoning designation and the protection of timberland resources. The County's LUP incorporates Coastal Act Section 30243 that sets forth provisions for the protection of the long-term productivity of soils and timberlands by limiting the conversion of coastal commercial timberlands to other uses and by limiting the division of timberlands to provide for necessary timber processing and related facilities. Lands zoned Timber Production (TPZ) are specifically reserved for the growing, management, and harvesting of trees of any commercial species used to produce timber and other forest products and uses that are integrally related to the growing, harvesting and processing of forest products. Therefore, the Commission finds that it is important to reserve the Commission's ability to appeal any residential development and associated cottage industry approved by the County on TPZ lands that because of its potential to raise an issue of conformance with the policies in the certified LCP regarding the protection of timberland resources.

Thus, the Commission imposes Suggested Modification No. 4 to clarify certain exceptions to the designation of the principal permitted use in the Timber Production (TPZ) zoning district. Specifically, Suggested Modification No. 4 clarifies that although Single Family Residential and Cottage Industry uses are included under the Timber Production Principal Permitted Use and thus, do not require a conditional use permit, these uses are not considered the principal permitted use for purposes of appeal to the Commission pursuant to Coastal Act Section 30603(a)(4).

For the reasons stated above, the Commission finds that the proposed IP amendment is not consistent with or adequate to carryout the provisions of LUP Policies with respect to the protection of agricultural and timberland resources unless modified as suggested below.

**c. Suggested Modification**

**Suggested Modification No. 4**

Modify Sections 313-163.1.9, 313-163.1.9.9, and 313-163.1.9.11 as follows:

**313-163      LISTING OF USE TYPE AND PRINCIPAL PERMITTED USE  
CLASSIFICATIONS**

...

- 163.1.9 Principal Permitted Uses. These are uses that are allowed without a conditional use permit and that are considered the “principal permitted use” for purposes of appeal to the Coastal Commission **(with the exception of (a) Single Family Residential, Second Agriculture or Commercial Timber Production Residence (on a lot sixty (60) acres or larger in size), or Cottage Industry uses in the Agriculture Exclusive zoning district as enumerated in Section 163.1.9.9 below, and (b) Single Family Residential or Cottage Industry uses in the Timber Production zoning district as enumerated in Section 163.1.9.11 below).** Subdivisions, including lot line adjustments, are not considered a principal permitted use in any zoning district in the coastal zone.

...

163.1.9.9 Agricultural Exclusive

The Agricultural Exclusive Principally Permitted Use includes the following uses: Single Family Residential; Second Agriculture or Commercial Timber Production Residence (on a lot sixty (60) acres or larger in size); General Agriculture; Timber Production; Cottage Industry; and Minor Utilities to serve such uses. **Single Family Residential, Second Agriculture or Commercial Timber Production Residence (on a lot sixty (60) acres or larger in size), and Cottage Industry use types do not require a conditional use permit, but are not considered the principal permitted use for purposes of appeal to the Coastal Commission pursuant to Section 312-13.12.3 of the Coastal Zoning Ordinance and Section 30603(a)(4) of the Coastal Act.**

...

163.1.9.11 Timber Production

The Timber Production Principally Permitted Use includes the following uses: Timber Production; Single Family Residential; Cottage Industry (subject to the Cottage Industry Regulations); and Minor Utilities to serve such uses. **Single Family Residential and Cottage Industry use types do not require a conditional use permit, but are not considered the principal permitted use for purposes of appeal to the Coastal Commission pursuant to Section 312-13.12.3 of the Coastal Zoning Ordinance and Section 30603(a)(4) of the Coastal Act.**

## **PART FIVE: CHANGES THAT DO NOT RAISE COASTAL ACT ISSUES**

### **1. Design Review**

In its original amendment proposal, the County intended to exempt minor changes to the exterior of structures located in the Design Review combining zone from requirements to obtain a special permit while continuing to require that all projects conform to the standards of the zone. In its February 6, 2006 action, the Commission determined that the changes proposed by the County included exemptions from coastal development permit requirements that were not consistent with the Coastal Act and the Commission's regulations. The Commission adopted Suggested Modification No. 16 to clarify that development identified as "exempt" in Sections 13250, 13252 and 13253 of Title 14, California Code of Regulations on lands designated "D" is exempt from the requirement for a coastal development permit, and also exempt from the design review requirements of Section A314-57, unless a coastal development permit contains a condition stating that such exemptions are not available on the property. Furthermore, the modification clarified the list of development proposed by the County to be exempt from design review requirements. (See pages 84-87 of the Adopted Findings on LCP Amendment No. HUM-MAJ-99-1-B attached as Exhibit No. 2.) The County indicates that Suggested Modification No. 16 removed certain procedural requirements that were not considered by the Planning Commission and Board of Supervisors when they acted on the originally proposed amendment. Therefore, the County chose not to accept Suggested Modification No. 16 of LCP Amendment No. HUM-1-MAJ-1-99-B to the Design Review provisions of the amendment. Instead, the current amendment resubmittal proposes to delete the originally proposed amendment to the Design Review provisions and maintain the Design Review provisions as originally certified prior to approval of LCP Amendment No. HUM-MAJ-99-1-B. Therefore, the previously proposed changes to the Design Review provisions are no longer before the Commission for consideration.

### **2. Cross-Reference**

The County's amendment resubmittal proposes a minor addition to each of the IP sections that list the standards for 11 different zoning districts, including Neighborhood Commercial (CN), Public Recreation (PR), Commercial Recreation (CR), Coastal-Dependent Commercial Recreation (CRD), Residential Single Family (RS), Residential Multi-Family (RM), Mixed Residential (R2), Rural Residential Agriculture (RA), Agriculture Exclusive (AE), Commercial Timber (TC), and Timberland Commercial Zone (TPZ). The amendment as resubmitted would add a cross-reference to the definition of "principal permitted use" next to the listed principal permitted use in each district. The proposed cross-reference would state "See Section 313-163.1.9" as shown

in the County's amendment resubmittal attached as Exhibit No. 1. This proposed change is editorial in nature and does not affect the substance of the Commission's previous action on LCP Amendment No. HUM-MAJ-99-1-B and similarly does not raise an issue with regard to consistency with the Coastal Act.

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## **PART SIX: CALIFORNIA ENVIRONMENTAL QUALITY ACT**

In addition to making a finding that the amendment is in full compliance with the Coastal Act, the Commission must make a finding consistent with Section 21080.5 of the Public Resources Code. Section 21080.5(d)(2)(A) of the Public Resources Code requires that the Commission not approve or adopt an LCP:

*... if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effects which the activity may have on the environment.*

As discussed in the findings above, the amendment request, as modified, is consistent with the California Coastal Act and will not result in significant environmental effects within the meaning of the California Environmental Quality Act.

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### **EXHIBITS:**

Exhibit 1 – Proposed County LCP Amendment Resubmittal

Exhibit 2 – HUM-MAJ-1-99-B Adopted Findings

Exhibit 3 – County Resolution

**EXHIBIT NO. 1**

**APPLICATION NO.**

HUM-MAJ-2-06

HUMBOLDT COUNTY LCP  
AMENDMENT

PROPOSED AMENDMENT  
RESUBMITTAL (1 of 57)

## PROPOSED AMENDMENTS TO THE LOCAL COASTAL PLANS

Modifications requested by the Coastal Commission are shown in underline text, deletions are shown in ~~strikeout~~ text.

**Eel River Area Plan Changes. The following will be inserted after Section 5.10 (Introduction):**

### 5.15 DENSITY BONUSES AND PLANNED UNIT DEVELOPMENTS

Density ranges described in land use designations may be exceeded by up to 35% to encourage affordable housing production pursuant to §65915 of the California Government Code (Density Bonuses) in effect in 2006. Any housing development approved pursuant to Government Code Section 65915 shall be consistent with all applicable certified local coastal program policies and development standards. In reviewing a proposed density increase, the County shall identify all feasible means of accommodating the density increase and consider the effects of such means on coastal resources. The County shall only grant a density increase in the County determines that the means of accommodating the density increase proposed by the applicant does not have an adverse effect on coastal resources. If, however, the County determines that the means for accommodating the density increase proposed by the applicant will have an adverse effect on coastal resources, the County shall not grant the density increase. Density ranges may also be exceeded within Planned Unit Developments (PUD's) up to 25% if increasing the density would not have an adverse effect on coastal resources and would be consistent with all applicable local coastal program policies and development standards. The 25% density bonus limit for PUD's is the maximum density bonus permitted; it may not be combined with any other density bonus allowed the County or State regulations if densities greater than 25% would result. Also, a variety of housing types and a mixture of residential and commercial uses may be allowed to encourage affordable housing production under the provisions of State law referenced above, and in PUD's to encourage the provision of extraordinary public benefits within subdivisions.

**The following will be inserted into the Planned Unit Development discussion (Section 3.26(C)):**

#### C. PLANNED UNIT DEVELOPMENT

It shall be the policy of the County to encourage the Planned Unit Development (PUD) concept. Where such utilization would provide extraordinary benefits to the community and to the County, such as: dedications of open space and public access, protection of visual resources and sensitive habitats beyond that already required in Sections 3.41, 3.42, and 3.50. Incentives to participate in such a development program may include increases of up to 20% 25% over planned densities if increasing the density would not have an adverse effect on costal resources and would be consistent with all applicable local costal program policies and development standards. The 25% density bonus limit for PUD's is the maximum density bonus permitted; in may not be combined with any other density bonus allowed by County or State regulations if densities greater than 25% would result.

**South Coast Area Plan Changes. The following will be inserted after Section 5.10 (Introduction):**

### 5.15 DENSITY BONUSES AND PLANNED UNIT DEVELOPMENTS

Density ranges described in land use designations may be exceeded by up to 35% to encourage affordable housing production pursuant to §65915 of the California Government Code (Density Bonuses) in effect in 2006. Any housing development approved pursuant to Government Code Section 65915 shall be consistent with all applicable certified local coastal program policies and development standards. In reviewing a proposed density increase, the County shall identify all feasible means of accommodating the density increase and consider the effects of such means on coastal resources. The County shall only grant a density increase in the County determines that the means of accommodating the density increase proposed by the applicant does not have an adverse effect on coastal resources. If, however, the County determines that the means for accommodating the density increase proposed by the applicant will have an adverse effect on coastal resources, the County shall not grant the density increase. Density ranges may also be exceeded within Planned Unit Developments (PUD's) up to 25% if increasing the density would not have an adverse effect on coastal resources and would be consistent with all applicable local coastal program policies and development standards. The 25% density bonus limit for PUD's is the maximum density bonus permitted; it may not be combined with any other density bonus allowed the County or State

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regulations if densities greater than 25% would result. Also, a variety of housing types and a mixture of residential and commercial uses may be allowed to encourage affordable housing production under the provisions of State law referenced above, and in PUD's to encourage the provision of extraordinary public benefits within subdivisions.

***The following will be inserted into the Planned Unit Development discussion (Section 3.25(B)):***

**B. RECREATIONAL OPPORTUNITIES AND PLANNED UNIT DEVELOPMENTS**

1. The County encourages the provision of on-site recreational opportunities in major new development, and Planned Unit Developments providing such opportunities shall be approved, even though portions of the development have densities greater than that allowed by the Area Plan, providing:
  - a. That overall density of the project conforms with the intent of the Area Plan.
  - b. An appropriate arrangement for maintenance of the recreational facilities, by private or public entity, has been secured.
2. The Planning Commission may approve an overall project density greater than that shown in the Area Plan, after public hearing, if it finds that:
  - a. The recreational opportunity provided contributes significantly to recreational opportunities in the Urban Limit Area;
  - b. The increased densities will not overload public service capacities, including road capacities and parking capacity in the immediate area, and will not conflict with requirements of Section 3.40 of this chapter.
  - c. Increasing the density would not have an adverse effect on costal resources and would be consistent with all applicable local coastal program policies and development standards. The 25% density bonus limit for PUD's is the maximum density bonus permitted; in may not be combined with any other density bonus allowed by County or State regulations if densities greater than 25% would result

***McKinleyville Area Plan Changes. The following will be inserted after Section 5.10 (Introduction):***

**5.15 DENSITY BONUSES AND PLANNED UNIT DEVELOPMENTS**

Density ranges described in land use designations may be exceeded by up to 35% to encourage affordable housing production pursuant to §65915 of the California Government Code (Density Bonuses) in effect in 2006. Any housing development approved pursuant to Government Code Section 65915 shall be consistent with all applicable certified local coastal program policies and development standards. In reviewing a proposed density increase, the County shall identify all feasible means of accommodating the density increase and consider the effects of such means on coastal resources. The County shall only grant a density increase in the County determines that the means of accommodating the density increase proposed by the applicant does not have an adverse effect on coastal resources. If, however, the County determines that the means for accommodating the density increase proposed by the applicant will have an adverse effect on coastal resources, the County shall not grant the density increase. Density ranges may also be exceeded within Planned Unit Developments (PUD's) up to 25% if increasing the density would not have an adverse effect on coastal resources and would be consistent with all applicable local coastal program policies and development standards. The 25% density bonus limit for PUD's is the maximum density bonus permitted; it may not be combined with any other density bonus allowed the County or State regulations if densities greater than 25% would result. Also, a variety of housing types and a mixture of residential and commercial uses may be allowed to encourage affordable housing production under the provisions of State law referenced above, and in PUD's to encourage the provision of extraordinary public benefits within subdivisions.

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*The following will be inserted into the Planned Unit Development discussion (Section 3.25(B)):*

- B. It shall be the policy of the County to encourage the Planned Unit Development (PUD) concept. Where such utilization would provide extraordinary benefits to the community and to the County, such as: dedications of open space and public access, protection of visual resources and sensitive habitats beyond that already required in Sections 3.41 and 3.42, incentives may include increases of up to ~~20%~~ 25% over planned densities if increasing the density would not have an adverse effect on costal resources and would be consistent with all applicable local costal program policies and development standards. The 25% density bonus limit for PUD's is the maximum density bonus permitted; in may not be combined with any other density bonus allowed by County or State regulations if densities greater than 25% would result. (Amended by Res. No. 83-58, 3/15/83)

*The following will be inserted into the Planned Unit Development discussion (Section 3.37(D)):*

D. PLANNED UNIT DEVELOPMENT

1. It shall be the policy of the County to encourage the Planned Unit Development (PUD) concept. Where such utilization would provide extraordinary benefits to the community and to the County, such as: dedications of open space and public access, protection of visual resources and sensitive habitats beyond that already required in Sections 3.41 and 3.42, incentives may include increases of up to ~~20%~~ 25% over planned densities if increasing the density would not have an adverse effect on costal resources and would be consistent with all applicable local costal program policies and development standards. The 25% density bonus limit for PUD's is the maximum density bonus permitted; in may not be combined with any other density bonus allowed by County or State regulations if densities greater than 25% would result. (Amended by Res. No. 83-58, 3/15/83).

*Trinidad Area Plan Changes. The following will be inserted after Section 4.10 (Introduction):*

**4.15 DENSITY BONUSES AND PLANNED UNIT DEVELOPMENTS**

Density ranges described in land use designations may be exceeded by up to 35% to encourage affordable housing production pursuant to §65915 of the California Government Code (Density Bonuses) in effect in 2006. Any housing development approved pursuant to Government Code Section 65915 shall be consistent with all applicable certified local coastal program policies and development standards. In reviewing a proposed density increase, the County shall identify all feasible means of accommodating the density increase and consider the effects of such means on coastal resources. The County shall only grant a density increase in the County determines that the means of accommodating the density increase proposed by the applicant does not have an adverse effect on coastal resources. If, however, the County determines that the means for accommodating the density increase proposed by the applicant will have an adverse effect on coastal resources, the County shall not grant the density increase. Density ranges may also be exceeded within Planned Unit Developments (PUD's) up to 25% if increasing the density would not have an adverse effect on coastal resources and would be consistent with all applicable local coastal program policies and development standards. The 25% density bonus limit for PUD's is the maximum density bonus permitted; it may not be combined with any other density bonus allowed the County or State regulations if densities greater than 25% would result. Also, a variety of housing types and a mixture of residential and commercial uses may be allowed to encourage affordable housing production under the provisions of State law referenced above, and in PUD's to encourage the provision of extraordinary public benefits within subdivisions.

*The following will be inserted into the Planned Unit Development discussion (Section 3.14(B)(2)):*

2. Planned Unit Development. It is the policy of the County to encourage the Planned Unit Development (PUD) concept. Where such utilization would provide extraordinary benefits to the community and the County, such as: dedication of open space and public access, protection of visual resources and sensitive habitats, and provision of low and/or moderate income housing, beyond that already required by this Plan (including Sections 3.30 and 3.50), incentives may include increases of up to ~~20%~~ 25% over planned densities if increasing the density would not have an adverse effect on costal resources and would be consistent with all applicable local costal program policies and development standards. The 25% density

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bonus limit for PUD's is the maximum density bonus permitted; in may not be combined with any other density bonus allowed by County or State regulations if densities greater than 25% would result.

***Humboldt Bay Area Plan Changes. The following modifications will be made to Section 4.10 (Introduction):***

#### **4.10 INTRODUCTION**

The Area Plan Land Use Maps indicate the planned principal use for all areas in the Coastal Zone. These planned uses are the basis on which zoning and subsequent development decisions are made; their intent is to guide the development of each area within the framework of community goals and objectives (Chapter 3 of the Area Plan) and the requirements of Public Resources Code section 30000 et seq., (the California Coastal Act of 1976).

On the maps, the planned principal uses - or planning designations are indicated by symbols; the key on the map indicates which symbol stands for which planning designation. In this chapter, the standards for permitted use are identified for each planning designation. While in some cases these standards are very specific, they are for the most part of a more general nature than the zoning standards, (these are found in the Coastal Zoning Ordinance). This is for a definite reason: the plan designations for an area indicate the overall pattern of eventual development for several years ahead, while the zoning now in force limits present development to what can now be supported in the area. Ordinarily only one zone will be compatible with a single plan designation, and any zoning adopted must conform with and be adequate to carry out the land use plan.

For each Urban and Rural land use designation, the purpose, principal use, and conditional use, and as applicable, the gross density are identified.

Oil and gas pipelines and electrical transmission lines are allowed in all land use designations, in accordance with Sections 3.14B (5) and (6), in both urban and rural areas, by conditional use permit. Surface mining and solid waste disposal projects are allowed in certain land use designations according to the policies of Sections 3.14B (9) and (10).

Should a discrepancy exist between the list of allowable uses of these Chapter 4 land use designations and the policies of Chapter 3, the policies of Chapter 3 take precedence.

Density ranges described in land use designations may be exceeded by up to 35% to encourage affordable housing production pursuant to §65915 of the California Government Code (Density Bonuses) in effect in 2006. Any housing development approved pursuant to Government Code Section 65915 shall be consistent with all applicable certified local coastal program policies and development standards. In reviewing a proposed density increase, the County shall identify all feasible means of accommodating the density increase and consider the effects of such means on coastal resources. The County shall only grant a density increase in the County determines that the means of accommodating the density increase proposed by the applicant does not have an adverse effect on coastal resources. If, however, the County determines that the means for accommodating the density increase proposed by the applicant will have an adverse effect on coastal resources, the County shall not grant the density increase. Density ranges may also be exceeded within Planned Unit Developments (PUD's) up to 25% if increasing the density would not have an adverse effect on coastal resources and would be consistent with all applicable local coastal program policies and development standards. The 25% density bonus limit for PUD's is the maximum density bonus permitted; it may not be combined with any other density bonus allowed the County or State regulations if densities greater than 25% would result. Also, a variety of housing types and a mixture of residential and commercial uses may be allowed to encourage affordable housing production under the provisions of State law referenced above, and in PUD's to encourage the provision of extraordinary public benefits within subdivisions.

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***The following language will be inserted into the Planned Unit Development discussion (Section 3.16(B)(2)):***

2. Planned Unit Development. It is the policy of the County to encourage the Planned Unit Development (PUD) concept. Where such utilization would provide extraordinary benefits to the community and the County, such as: dedication of open space and public access, protection of visual resources and sensitive habitats, and provision of low and/or moderate income units, housing incentive may include increases of up to a total of 20% 25% over planned densities if increasing the density would not have an adverse effect on coastal resources and would be consistent with all applicable local coastal program policies and development standards. The 25% density bonus limit for PUD's is the maximum density bonus permitted; in may not be combined with any other density bonus allowed by County or State regulations if densities greater than 25% would result.

***NorthCoast Area Plan Changes. The following will be inserted after Section 5.10 (Introduction))***

#### **5.15 DENSITY BONUSES AND PLANNED UNIT DEVELOPMENTS**

Density ranges described in land use designations may be exceeded by up to 35% to encourage affordable housing production pursuant to §65915 of the California Government Code (Density Bonuses) in effect in 2006. Any housing development approved pursuant to Government Code Section 65915 shall be consistent with all applicable certified local coastal program policies and development standards. In reviewing a proposed density increase, the County shall identify all feasible means of accommodating the density increase and consider the effects of such means on coastal resources. The County shall only grant a density increase if the County determines that the means of accommodating the density increase proposed by the applicant does not have an adverse effect on coastal resources. If, however, the County determines that the means for accommodating the density increase proposed by the applicant will have an adverse effect on coastal resources, the County shall not grant the density increase. Density ranges may also be exceeded within Planned Unit Developments (PUD's) up to 25% if increasing the density would not have an adverse effect on coastal resources and would be consistent with all applicable local coastal program policies and development standards. The 25% density bonus limit for PUD's is the maximum density bonus permitted; it may not be combined with any other density bonus allowed by the County or State regulations if densities greater than 25% would result. Also, a variety of housing types and a mixture of residential and commercial uses may be allowed to encourage affordable housing production under the provisions of State law referenced above, and in PUD's to encourage the provision of extraordinary public benefits within subdivisions.

***The following will be inserted into the Planned Unit Development discussion (Section 3.24(B)):***

#### **B. PLANNED UNIT DEVELOPMENT**

It shall be the policy of the County to encourage the Planned Unit Development (PUD) concept. Where such utilization would provide extraordinary benefits to the community and to the County, such as: dedications of open space and public access, protection of visual resources and sensitive habitats beyond that already required in Section 3.41 and 3.42, incentives may include increases of up to 20% 25% over planned densities if increasing the density would not have an adverse effect on coastal resources and would be consistent with all applicable local coastal program policies and development standards. The 25% density bonus limit for PUD's is the maximum density bonus permitted; in may not be combined with any other density bonus allowed by County or State regulations if densities greater than 25% would result. (Amended by Res. No. 83-57, 3-15-83)

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## ATTACHMENT 2

Ordinance for Adoption

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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF  
THE COUNTY OF HUMBOLDT AMENDING DIVISION I OF TITLE III OF THE HUMBOLDT  
COUNTY CODE (THE ZONING ORDINANCE), MODIFYING SECTIONS 313-139 (DEFINITIONS – D), 312-16 (DE MINIMUS  
WAIVERS), 313-45.2 (COTTAGE INDUSTRY), 313-111.1 (RESIDENTIAL DENSITY BONUS), 313-112 (RECREATIONAL  
VEHICLE PARKS), 313-113 (SPECIAL OCCUPANCY PARKS) AND RELATED SECTIONS, 313-31.1 (PLANNED UNIT  
DEVELOPMENT), 313-87.1 (SECOND RESIDENTIAL UNIT), 313-2 (CN: NEIGHBORHOOD COMMERCIAL), 313-5.1 (PR:  
PUBLIC RECREATION), 313-5.3 (CRD: COASTAL DEPENDENT RECREATION), 313-6.1 (RS: RESIDENTIAL SINGLE  
FAMILY), 313-6.2 (RM: RESIDENTIAL MULTI- FAMILY), 313-6.3 (R2: MIXED RESIDENTIAL), 313-6.4 (RA: RURAL  
RESIDENTIAL AGRICULTURAL), 313-7.1 (AE: AGRICULTURAL EXCLUSIVE), 313-7.2 (TC: COMMERCIAL TIMBER), 313-  
7.3 (TPZ: TIMBERLAND PRODUCTION ZONE), 313-162 (PURPOSE OF USE TYPE AND PRINCIPAL PERMITTED USE  
CLASSIFICATIONS), 312-9 (PUBLIC HEARING REQUIREMENTS), AND 313-148 (DEFINITIONS - M)

**The Board of Supervisors of the County of Humboldt do ordain as follows:**

SECTION 1. ZONE AMENDMENT. Division I of Title III of the Humboldt County Code (the Zoning Ordinance), 313-139 (Definitions – D), 312-16 (De Minimus Waivers), 313-45.2 (Cottage Industry), 313-111.1 (Residential Density Bonus), 313-112 (Recreational Vehicle Parks), 313-113 (Special Occupancy Parks) and related sections, 313-31.1 (Planned Unit Development), 313-87.1 (Second Residential Unit), 313-2 (CN: Neighborhood Commercial), 313-5.1 (PR: Public Recreation), 313-5.3 (CRD: Coastal Dependent Recreation), 313-6.1 (RS: Residential Single Family), 313-6.2 (RM: Residential Multi- Family), 313-6.3 (R2: Mixed Residential), 313-6.4 (RA: Rural Residential Agricultural), 313-7.1 (AE: Agricultural Exclusive), 313-7.2 (TC: Commercial Timber), 313-7.3 (TPZ: Timberland Production Zone), 313-162 (Purpose of Use Type and Principal Permitted Use Classifications), 312-9 (Public Hearing Requirements), and 313-148 (Definitions - M) are hereby amended as shown on the attached pages (modifications requested by the Coastal Commission are shown in underline text, deletions are shown in ~~strikeout~~ text).

SECTION 2. EFFECTIVE DATE. This ordinance shall take effect and be in full force thirty (30) days from the date of its passage or on the date of final certification by the Coastal Commission, whichever occurs later. A summary shall be published at least five (5) days before the date for adoption and again fifteen days after passage of this ordinance. It shall be published at least once with the names of the Board of Supervisors voting for and against the ordinance in a newspaper of general circulation published in the County of Humboldt, State of California.

PASSED, APPROVED AND ADOPTED this 25th of July, 2006 the following vote, to wit:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
Chair of the Board of Supervisors  
of the County of Humboldt, State of  
California

(SEAL)

ATTEST:

Lora Canzoneri  
Clerk of the Board of Supervisors  
of the County of Humboldt, State of California.

\_\_\_\_\_  
Lora Canzoneri

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Modifications requested by the Coastal Commission are shown in underline text, deletions are shown in ~~strikeout~~ text.

**The following will be modified in Section 313-139 (Definitions – D)**

**De Minimus Waiver:** The waiver of some Coastal Development Permit requirements for development that 1) is consistent with the ~~zoning ordinance~~ certified LCP, and 2) involves no potential for any adverse effect; either individually or cumulatively on coastal resources or public access to coastal resources where acquired through use or legislative authorization.

**The following will be modified in Chapter 2, Section 312-16 (De Minimus Waivers)**

312-16 DE MINIMUS WAIVERS FROM COASTAL DEVELOPMENT PERMIT REQUIREMENTS

**16.1 APPLICABILITY**

The procedural requirements for Coastal Development Permits in this Chapter may be waived by the Director to simplify the review of small projects that ~~will have no adverse impact on coastal resources~~ involve no potential for any adverse effects, either individually or cumulatively, on coastal resources and that are consistent with the certified LCP.

**16.2 CRITERIA FOR WAIVER OF PROCEDURES.**

The procedural requirements of this Chapter may be waived by the Director to allow the following development:

16.2.1 Construction of retaining walls less than four (4) feet in height with a maximum surface area of 100 square feet,

16.2.2 Demolition of non-historic structures,

16.2.3 Placement of private test water supply wells,

16.2.4 “One for one” replacement or abandonment of minor utilities,

16.2.5 Repair and replacement work associated with underground and above-ground storage tanks,

~~Wetland Restoration~~

~~Removal of contaminated backfill and contaminated soil~~

16.2.6 Installation of monitoring wells, vadose wells, temporary well points, and vapor points, and

16.2.7 Merger of property.

**16.3 APPLICATION FOR WAIVER OF PROCEDURES.**

An application for De Minimus Waiver of permit requirements shall be made on forms as required by Section 312-5, Filing Applications For Permits and Variances.

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#### 16.4 PROCEEDINGS FOR WAIVER OF PROCEDURES.

16.4.1 Review. The Department shall review all applications for De Minimus Waivers for completeness and accuracy before the applications are accepted and officially filed as complete.

##### 16.4.2 Public Notice.

16.4.2.1 Within five (5) working days of the date the application was submitted, the applicant must post public notice at a conspicuous place, easily read by the public and as close as possible to the site of the proposed development. The public notice must state that an application for waiver of permit requirement for the proposed development has been submitted to the County using standardized forms provided by the Department.

16.4.2.2 The notice shall contain a general description of the nature of the proposed development. If the applicant fails to post and maintain the completed notice form throughout the waiver process, the Director shall refuse to file the application, or shall withdraw the application from filing if it has already been filed when he or she learns of such failure. The County shall revoke the waiver authorization if it determines that the waiver was granted without proper notice having been given and that the waiver would not have been issued and/or become effective if the views of the person(s) not notified had been made known to the Director or the Board of Supervisors.

16.4.3 Notice of Intent to Issue a De Minimus Waiver. A Notice Of Intent To Issue A De Minimus Waiver shall be provided to the Coastal Commission and to persons known to be interested in the proposed development in the following manner:

After an application is accepted as complete and at least ten (10) working days prior to the decision on the application, the Director shall provide notice, by first class mail, of pending waiver of permit requirements. This notice shall be provided to all persons who have requested to be on the mailing list for that development project or site, to all property owners and residents within 300 feet of the perimeters of the parcel on which the development is proposed, to all Planning Commission members, all members of the Board of Supervisors, referral agencies, and to the Coastal Commission. The Notice shall also be posted for public inspection at the Department.

16.4.4 Contents of Notice of Intent to Issue a De Minimus Waiver. The Notice Of Intent To Issue A De Minimus Waiver shall contain the following information:

16.4.4.1 A description of the proposed project and location;

16.4.4.2 A statement that the development is within the coastal zone;

16.4.4.3 The date of filing of the application and the name of the applicant;

16.4.4.4 The case number assigned to the application;

16.4.4.5 The date of the hearing at which the waiver may become effective;

16.4.4.6 The general procedure concerning submission of requests for a coastal development permit or other public comments either in writing or orally prior to the decision;

16.4.4.7 A statement that a public comment period of ten (10) working days to allow for the submission of requests for a coastal development permit or other public comments by mail will be held prior to the decision.

16.4.5 At the time a Notice Of Intent To Issue A De Minimus Waiver is provided to the public, the Director shall also report to the referral agencies, each Planning Commission member and each member of the Board of Supervisors the project description, recommended action, conditions of approval and findings for each project under review pursuant to this section. A copy of the report

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shall also be available for public inspection at the Department ten (10) working days prior to issuing the waiver.

16.4.6. Notice of final action on an application for a De Minimus Waiver shall be given as follows:

16.4.6.1 Notice shall be provided within five (5) working days of the Director's action.

16.4.6.2 Notice shall be provided by first class mail to:

16.4.6.2.1 The applicant;

16.4.6.2.2 Any person who specifically requested, in writing, notice of such final action; and

16.4.6.2.3 The Coastal Commission.

16.4.6.3 The notice shall include the following information:

16.4.6.3.1 The action taken;

16.4.6.3.2 The effective date and expiration date;

16.4.6.3.3 Written findings.

~~Conditions of approval~~

~~Procedures of appeal if applicable~~

16.4.7 For a proposed development that is de minimus as defined in Chapter 3, Section C: Index of Definitions of Language and Legal Terms of this Code, and Section 30624.7 of the Coastal Act, the Director may issue a waiver from coastal development permit requirements of this ordinance subject to all of the provisions of this section.

16.4.8 The Director shall not issue a waiver unless the site has been posted, and until the public comment period for the waiver has expired and no written requests for a coastal development permit have been submitted to the Department. If any referral agency, member of the Planning Commission, Board of Supervisors or California Coastal Commission, or any member of the public requests that the waiver not be issued, the applicant shall be advised that a Coastal Development Permit is required if the applicant wishes to proceed with the development.

16.4.9 A decision on De Minimus Waivers shall not be deemed final and effective until all required findings have been made by the Director.

## 16.5 FINDINGS.

De Minimus Waivers may only be issued for development that meets all of the following criteria:

16.5.1 The proposed development is in conformance with the ~~County General Plan~~ Certified LCP;

16.5.2 The proposed development is consistent with the purposes of the existing zone in which the site is located;

16.5.3 The proposed development conforms with all applicable standards and requirements of these regulations;

16.5.4 The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare;

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- 16.5.5 The proposed development involves no potential for any adverse effects, either individually or cumulatively, on coastal resources because for reasons including but not limited to, the following:
- 16.5.5.1 The project does not involve the presence of mechanized equipment or construction materials within 50 feet of an environmentally sensitive habitat area, or any sand area; or within 50 feet of coastal waters or streams,
  - 16.5.5.2 Within designated coastal view and coastal scenic areas, the project has no potential to impair visual resources,
  - 16.5.5.3 There is no potential for the project to block or otherwise impede the public right of access to the coast where acquired through use or by legislative authorization, and,
  - 16.5.5.4 The project does not require any other discretionary permits;
  - 16.5.5.5 The project does not have any impact on public access to coastal resources where acquired through use, legislative authorization, easements or deed restrictions.
- 16.5.6 None of the proposed work falls within an area in which the Coastal Commission retains direct permit review under Coastal Act Section 30519 or for any work that is appealable to the Coastal Commission under Coastal Act Section 30603. Any development involving a structure or similar integrated physical construction that lies partly in and partly outside the appeal area may not be processed as a De Minimus Waiver.

#### 16.6 DECISION ON DE MINIMUS WAIVERS IS FINAL

The Director's decision on De Minimus Waivers shall be final; provided, however, that the denial by the Director of a request for a De Minimus Waiver shall not prevent the applicant from applying for a development permit or variance.

#### 16.7 EXPIRATION OF DE MINIMUS WAIVERS

De Minimus Waivers shall expire and be of no further force and effect if the authorized development has not commenced within two years of the effective date of the waiver.

#### *The following will be modified in Chapter 3, Section 313-45.2 (Cottage Industry)*

##### 313-45.2 Cottage Industry

- 45.2.1 **Purpose.** The purpose of these regulations is to establish development standards and limitations for the operation and maintenance of cottage industries in the Coastal Zone of Humboldt County. (Former Section CZ#A314-12(A))
- 45.2.2 **Applicability.** The provisions of these regulations shall apply in all zones in which the cottage industry use type is permitted. (Former Section CZ#A314-12(B))
- 45.2.3 **Performance Standards For Cottage Industries Allowed As Appurtenant And Accessory Use.** Cottage Industries allowed as a principally permitted appurtenant and accessory use to the residential use shall comply with all the following performance standards in addition to the applicable Industrial Performance Standards of Section 313-103.1: (Former Section CZ#A314-12(C)(1))
- 45.2.3.1 The cottage industry shall conform with the development standards in the applicable zoning district; and (Former Section CZ#A314-12(C)(1)(a))
  - 45.2.3.2 The dwelling on the site shall be occupied by the owner of the cottage industry. (Former Section CZ#A314-12(C)(1)(b))

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- 45.2.3.3 The Cottage Industry shall occupy no more than twenty five percent (25%) or 1,000 square feet (whichever is less) of the floor area of the dwelling or accessory structure; and (Former Section CZ#A314-12(C)(1)(c))
- 45.2.3.4 The cottage industry shall not produce evidence of its existence in the external appearance of the dwelling or premises, or in the creation of noise, odors, smoke or other nuisances to a degree greater than that normal for the neighborhood; and (Former Section CZ#A314-12(C)(1)(d))
- 45.2.3.5 There shall be no structural, electrical or plumbing alterations necessary for the Cottage Industry which are not customarily found in dwellings or residential accessory structures; and (Former Section CZ#A314-12(C)(1)(e))
- 45.2.3.6 No persons other than residents of the dwelling shall be employed to conduct the Cottage Industry; and (Former Section CZ#A314-12(C)(1)(f))
- 45.2.3.7 There shall be no articles sold on the premises; and (Former Section CZ#A314-12(C)(1)(g))
- 45.2.3.8 All noise generating operations shall be buffered so that they do not exceed the exterior ambient noise level anywhere on the site by more than 5 dB(a), or an equivalent standard which achieves comparable results; and (Former Section CZ#A314-12(C)(1)(h))
- 45.2.3.9 All lights shall be directed on-site and shielded to reduce glare to adjacent areas; and (Former Section CZ#A314-12(C)(1)(i))
- 45.2.3.10 The use shall not generate pedestrian or vehicular traffic beyond that normal in the neighborhood in which it is located; and (Former Section CZ#A314-12(C)(1)(j))
- 45.2.3.11 No perceptible vibrations shall be permitted off the building site; and (Former Section CZ#A314-12(C)(1)(k))
- 45.2.3.12 No visual or audible interference of radio or television reception by operations shall be permitted. (Former Section CZ#A314-12(C)(1)(l))
- 45.2.3.13 A business license shall be ~~approved~~ required for the Cottage Industry. (Former Section CZ#A314-12(C)(1)(m))
- 45.2.3.14 The cottage industry shall not significantly increase demand for, or require significant amounts of additional services including water, sewer, septic, or wastewater treatment.
- 45.2.4 No coastal development permit is required for cottage industries that conform with the performance standards in the preceding section (313-45.2.3) if established in an existing permitted residence or accessory structure. A coastal development permit will be required for a new accessory structure or enlarged residence in which such cottage industry is to be located that is not otherwise exempt from coastal development permit requirements pursuant to Title 14, California Code of Regulations Section 13250(b).
- 45.2.45 **Performance Standards For Cottage Industries Allowed As Accessory Uses With a Coastal Development Permit.** Cottage Industries that meet all the following performance standards in addition to the applicable Industrial Performance Standards of Section 313-103.1, may be permitted as accessory uses to any residential use with a Coastal Development Permit: (Former Section CZ#A314-12(D))
- 45.2.45.1 The cottage industry shall conform with the development standards in the applicable zoning district; and (Former Section CZ#A314-12(D)(a))
- 45.2.45.2 There shall be no articles sold on the premises. (Former Section CZ#A314-12(D)(b))
- 45.2.45.3 One nameplate, attached to the structure, is permitted advertising the cottage industry, not exceeding two (2) square feet, that is non-moving, and which has illumination, if any, which is

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45.2.3.14 The cottage industry shall not significantly increase demand for, or require significant amounts of additional services including water, sewer, septic, or wastewater treatment.

45.2.4 No coastal development permit is required for cottage industries that conform with the performance standards in the preceding section (313-45.2.3) if established in an existing permitted residence or accessory structure. A coastal development permit will be required for a new accessory structure or enlarged residence in which such cottage industry is to be located that is not otherwise exempt from coastal development permit requirements pursuant to Title 14, California Code of Regulations Section 13250(b).

**45.2.-45 Performance Standards For Cottage Industries Allowed As Accessory Uses With a Coastal Development Permit.** Cottage Industries that meet all the following performance standards in addition to the applicable Industrial Performance Standards of Section 313-103.1, may be permitted as accessory uses to any residential use with a Coastal Development Permit: (Former Section CZ#A314-12(D))

45.2.-45.1 The cottage industry shall conform with the development standards in the applicable zoning district; and (Former Section CZ#A314-12(D)(a))

45.2.-45.2 There shall be no articles sold on the premises. (Former Section CZ#A314-12(D)(b))

45.2.-45.3 One nameplate, attached to the structure, is permitted advertising the cottage industry, not exceeding two (2) square feet, that is non-moving, and which has illumination, if any, which is indirect and non-flashing. (Former Section CZ#A314-12(D)(c))

45.2.-45.4 The total land area occupied by the cottage industry shall not exceed two (2) acres, including portions of the lot occupied by buildings, storage areas, and work places devoted to the cottage industry. (Former Section CZ#A314-12(D)(d))

45.2.-45.5 A business license shall be ~~approved~~ required for the Cottage Industry. (Former Section CZ#A314-12(D)(e))

**45.2.-56 Operational Standards.**

45.2.-56.1 At a minimum, the Hearing Officer shall set the following operational standards as conditions of the Coastal Development Permit for a cottage industry. (Former Section CZ#A314-12(E))

The Hearing Officer may also condition the Coastal Development Permit as permitted by Chapter 2, Procedures, of this Code. (Former Section CZ#A314-12(E))

45.2.-56.1.1 Number of employees; and (Former Section CZ#A314-12(E)(1))

45.2.-56.1.2 Hours of operation. (Former Section CZ#A314-12(E)(2))

***The following will be modified in Chapter 3, Section 313-442111.1 (Residential Density Bonus)***

**313-442111.1 RESIDENTIAL DENSITY BONUS**

~~442111.1.1~~ **Purpose and Intent.** This Density Bonus Ordinance is intended to provide incentives for the production of housing for very low, lower income, or senior households in accordance with Sections 65915 and 65917 of the California Government Code. In enacting this section, it is the intent of the County of Humboldt to facilitate the development of affordable housing and to implement the goals, objectives, and policies of the County's Housing Element. ~~(Former Section CZ#A314-12.1(A))~~

~~442111.1.2~~ **Definitions.** Whenever the following terms are used in this section, they shall have the meaning

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### 111.1.3 Implementation.

111.1.3.1 The County shall grant either: a Density Bonus, or a Density Bonus with an Additional Incentive(s), or Equivalent Financial Incentive; as set forth in subsection 111.1.5 of this section, to an applicant or developer of a Housing Development, who agrees to provide the following:

111.1.3.1.1 At least ~~twenty percent (20%)~~ ten percent (10%) of the total units of the Housing Development as Target Units affordable to Lower Income Households; or

111.1.3.1.2 At least ~~ten percent (10%)~~ five percent (5%) of the total units of the Housing Development as Target Units affordable to Very Low Income Households; or

111.1.3.1.3 Senior citizen housing.

111.1.3.2 In determining the minimum number of Density Bonus Units to be granted pursuant to this section, the Maximum Residential Density for the site shall be multiplied by 0.25. When calculating the number of permitted Density Bonus Units, any fractions of units shall be rounded to the next larger integer.

111.1.3.3 In determining the number of Target Units to be provided pursuant to this section, the Maximum Residential Density shall be multiplied by ~~0.40~~ 0.05 where Very Low Income Households are targeted, or by ~~0.20~~ 0.10 where Lower Income Households are targeted. The Density Bonus Units shall not be included when determining the total number of Target Units in the Housing Development. When calculating the required number of Target Units, any resulting decimal fraction shall be rounded to the next larger integer.

111.1.3.4 In cases where a density increase of less than twenty-five percent (25%) is requested, no reduction will be allowed in the number of Target Units required. In cases where a density increase of more than twenty-five percent (25%) is requested, the requested density increase, if granted, shall be considered an Additional Incentive, as outlined in subsection 111.1.5 of this section.

111.1.3.5 In cases where the developer agrees to construct more than ~~twenty percent (20%)~~ ten percent (10%) of the total units for Lower Income Households, or more than ~~ten percent (10%)~~ five percent (5%) of the total units for Very Low Income Households, the developer is entitled to only one Density Bonus and an Additional Incentive(s) (or an Equivalent Financial Incentive) pursuant to subsection 111.1.5 of this section.

111.1.3.6 Similarly, a developer who agrees to construct Senior Citizen Housing with ~~twenty percent (20%)~~ ten percent (10%) or ~~ten percent (10%)~~ five percent (5%) of the units reserved for Lower- or Very Low-Income Households, respectively, is only entitled to one Density Bonus and an Additional Incentive(s).

111.1.3.7 The County may, however, grant multiple Additional Incentives to facilitate the inclusion of more Target Units than are required by this section.

### 111.1.4 Development Standards.

111.1.4.1 Target Units should be constructed concurrently with Non-Restricted Units unless both the County and the developer/applicant agree within the Density Bonus Housing Agreement to an alternative schedule for development.

111.1.4.2 Target Units shall remain restricted and affordable to the designated group for a period of thirty (30) years (or a longer period of time if required by the construction or mortgage financing

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assistance program, mortgage insurance program; or rental subsidy program), ~~under the following circumstances:~~

~~111.1.4.2.1 Both a Density Bonus and an Additional Incentive(s) is granted; or~~

~~111.1.4.2.2 An Equivalent Financial Incentive equivalent to a Density Bonus and an Additional Incentive(s) is granted.~~

~~111.1.4.3 Target Units shall remain restricted and affordable to the designated group for a period of ten (10) years under the following circumstances:--~~

~~111.1.4.3.1 Only a Density Bonus is granted and no Additional Incentives are granted; or~~

~~111.1.4.3.2 An Equivalent Financial Incentive equivalent to only a Density Bonus is granted.~~

111.1.4.4 Circumstances may arise in which the public interest would be served by allowing some or all of the Target Units associated with one Housing Development to be produced and operated at an alternative development site. Where the developer and County form such an agreement, the resulting linked developments shall be considered a single Housing Development for purposes of this section. Under these circumstances, the developer shall be subject to the same requirements of this section for the Target Units to be provided on the alternative site.

111.1.4.5 Target Units should be built on-site wherever possible and, when practical, be dispersed within the Housing Development. Where feasible, the number of bedrooms of the Target Units should be equivalent to the bedroom mix of the non-Target units of the Housing Development; except that the Developer may include a higher proportion of Target Units with more bedrooms. The design and appearance of the Target Units shall be compatible with the design of the total Housing Development. Housing Developments shall comply with all applicable development standards, except those which may be modified as provided by this section.

111.1.4.6 A Density Bonus Housing Agreement shall be made a condition of the discretionary planning permits for all Housing Developments pursuant to this chapter. The Agreement shall be recorded as a restriction on the parcel or parcels on which the Target Units will be constructed. The Agreement shall be consistent with subsection 313-111.1.7 of this section.

#### 111.1.5 Development Incentives.

111.1.5.1 The County shall provide a Density Bonus and an Additional Incentive(s), for qualified Housing Developments, upon the written request of a developer, unless the County makes a written finding that the Additional Incentive(s) is not necessary to make the Housing Development economically feasible to accommodate a Density Bonus, or unless all the required findings for approving subdivisions cannot be made.

111.1.5.2 The development incentives granted shall contribute significantly to the economic feasibility of providing the Target Units. Applicants seeking a waiver or modification of development or zoning standards shall show that such waivers or modifications are necessary to make the Housing Development economically feasible in accordance with Government Code Section 65915(e). This requirement may be satisfied by reference to applicable sections of the County's general plan housing element.

111.1.5.3 The applicant shall receive the following number of incentives or concessions:

111.1.5.3.1 One incentive or concession for projects that include at least 10 percent of the total units for lower income households, at least 5 percent for very low income households, or at least

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10 percent for persons and families of moderate income in a condominium or planned development.

111.1.5.3.2 Two incentives or concessions for projects that include at least 20 percent of the total units for lower income households, at least 10 percent for very low income households, or at least 20 percent for persons and families of moderate income in a condominium or planned development.

111.1.5.3.3 Three incentives or concessions for projects that include at least 30 percent of the total units for lower income households, at least 15 percent for very low income households, or at least 30 percent for persons and families of moderate income in a condominium or planned development.

~~111.1.5.34~~ The need for incentives will vary for different Housing Developments. Therefore, the allocation of Additional Incentives shall be determined on a case-by-case basis. The Additional Incentives may include, but are not limited to, any of the following:

~~111.1.5.44.1~~A reduction of site development standards or a modification of zoning code or architectural design requirements which exceed the minimum building standards provided in Part 2.5 (commencing with Section 18901) of Division 13 of the California Health and Safety Code). These may include, but are not limited to, any of the following:

~~111.1.5.54.1.1~~ Reduced minimum lot sizes and dimensions.

~~111.1.5.64.1.2~~ Reduced minimum yard setbacks.

~~111.1.5.74.1.3~~ Increased maximum lot coverage.

~~111.1.5.84.1.4~~ Increased maximum building height.

~~111.1.5.94.1.5~~ Reduced on-site parking standard; including the number or size of spaces.

~~111.1.5.404.1.6~~ Reduced minimum building separation requirements.

~~111.1.5.114.1.7~~ Reduced street standards (e.g. reduced minimum street widths).

111.1.5.3.2 Allow the Housing Development to include nonresidential uses and/or allow the Housing Development within a nonresidential zone.

111.1.5.3.3 Other regulatory incentives or concessions proposed by the developer or the County which result in identifiable cost reductions or avoidance.

111.1.5.3.4 A Density Bonus of more than twenty-five percent (25%).

111.1.5.3.5 Waived, reduced, or deferred planning, plan check, construction permit, and/or development impact fees.

111.1.5.3.6 Direct financial aid in the form of a loan or a grant to subsidize or provide low interest financing for on- or off-site improvements, land or construction costs.

111.1.5.12 The County may offer an Equivalent Financial Incentive instead of granting a Density Bonus and an Additional Incentive(s). The value of the Equivalent Financial Incentive shall equal at least

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the land cost per dwelling unit savings that would result from a Density Bonus and must contribute significantly to the economic feasibility of providing the Target Units pursuant to this section.

#### 111.1.6 Procedures for Approval

- 112.1.6.1 When required by Government Code Section 65915, the County shall grant a density bonus that allows the applicant to build up to 35% more units than a property's general plan density would ordinarily allow, if the County finds:
- 112.1.6.1.1 The project is for any one of the types of residential projects described in Government Code Section 654915(b);
- 112.1.6.1.2 The project complies with all standards set forth in Government Code Section 65915;
- 112.1.6.1.3 The project is a housing development consisting of five or more units.
- 112.1.6.2 In accordance with Government Code Section 65915(g), the density bonus shall be calculated based on the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the LCP. The "otherwise maximum allowable residential density" shall mean the maximum density determined by applying all site-specific environmental development constraints applicable under the coastal zoning ordinance and land use plan certified by the Coastal Commission.
- 112.1.6.3 Any housing development approved pursuant to Government Code Section 65915 shall be consistent with all applicable certified local coastal program policies and development standards. In reviewing a proposed density increase, the County shall identify all feasible means of accommodating the density increase and consider the effects of such means on coastal resources. The County shall only grant a density increase if the County determines that the means of accommodating the density increase proposed by the applicant does not have an adverse effect on coastal resources. If, however, the County determines that the means for accommodating the density increase proposed by the applicant will have an adverse effect on coastal resources, the County shall not grant the density increase.
- 112.1.6.4 In addition to a density bonus, the County shall grant in a housing development that complies with the provisions of Section 112.1.6.1, above, one of the incentives or concessions identified in Government Code Section 65915(h), unless the County finds that an incentive or concession is not required in order to provide for affordable housing costs or rents. In reviewing a proposed incentive or concession, the County shall consider all feasible alternative incentives and concessions and their effects on coastal resources. The County shall only grant an incentive or concession if the County determines that the development incentive or concession requested by an applicant pursuant to this section will not have any adverse effects on coastal resources. The County may grant one or more of those incentives or concessions that do not have an adverse effect on coastal resources. If all feasible incentives or concessions would have an adverse effect on coastal resources, the County shall not grant any incentive or concession.
- 112.1.6.5 For the purpose of this section, "coastal resources" means any resource which is afforded protection under the policies of Chapter 3 of the Coastal Act, California Public Resources Code section 30200 *et. seq.*, including, but not limited to public access, marine and other aquatic resources, environmentally sensitive habitat, and the visual quality of coastal areas.

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#### **111.1.67 Application Requirements and Review.**

- 111.1.-67.1 An application for a density bonus and additional incentive as allowed pursuant to this section shall be processed concurrently with any other application(s) required for the Housing Development. Final approval or disapproval of the application (with right of appeal to the Board of Supervisors) shall be made by the Planning Commission unless direct financial assistance is requested. If direct financial assistance is requested, the Planning Commission shall make a recommendation to the Board of Supervisors who will have the authority to make the final decision on the application.
- 111.1.-67.2 An applicant/developer proposing a Housing Development pursuant to this section, may submit a preliminary application prior to the submittal of any formal request for approval of a Housing Development. Applicants are encouraged to schedule a pre-application conference with the Director or designated staff to discuss and identify potential application issues including prospective Additional Incentives pursuant to subsection 111.1.5 of this section.
- 111.1.-67.3 The Director or designated staff shall inform the applicant/developer that the requested Additional Incentives shall be recommended for consideration with the proposed Housing Development, or that alternative or modified Additional Incentives pursuant to subsection 111.1.5 shall be recommended for consideration instead of the requested Incentives. If alternative or modified Incentives are recommended by the Director, the recommendation shall establish how the alternative or modified Incentives can be expected to have an equivalent affordability effect as the requested Incentives.

#### **111.1.-78 Density Bonus Housing Agreement.**

- 111.1.-78.1 Applicant/Developers requesting a Density Bonus, shall agree to enter into a Density Bonus Housing Agreement with the County. The terms of the draft agreement shall be reviewed and revised as appropriate by the Director or designated staff, who shall formulate a recommendation to the Planning Commission for final approval.
- 111.1.-78.2 Following execution of the agreement by all parties, the completed Density Bonus Housing Agreement, or equivalent recording instrument, shall be recorded and the conditions therefrom filed and recorded on the parcel or parcels designated for the construction of Target Units. The approval and recordation shall take place prior to final map approval, or, where a map is not being processed, prior to issuance of building permits for such parcels or units. The Density Bonus Housing Agreement shall be binding to all future owners and successors in interest.
- 111.1.-78.3 The Density Bonus Housing Agreement shall include at least the following:
- 111.1.-78.3.1 The total number of units approved for the Housing Development, including the number of Target Units.
  - 111.1.-78.3.2 A description of the household income group to be accommodated by the Housing Development, as outlined in subsection 111.1.3 of this section, and the standards for determining the corresponding Affordable Rent or Affordable Sales Price and Housing Cost.
  - 111.1.-78.3.3 The location, unit sizes (square feet) and number of bedrooms of Target Units.
  - 111.1.-78.3.4 Tenure of use restrictions for Target Units of at least ~~40~~ 30 years, in accordance with subsection 111.1.4 of this section.
  - 111.1.-78.3.5 A schedule for completion and occupancy of Target Units.

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- 111.1.-78.3.6 A description of the Additional Incentive(s) or Equivalent Financial Incentives being provided by the County.
- 111.1.-78.3.7 A description of remedies for breach of the agreement by either party (the County may identify tenants or qualified purchasers as third party beneficiaries under the agreement).
- 111.1.-78.3.8 Other provisions to ensure implementation and compliance with this section.
- 111.1.-78.3.9 In the case of for-sale Housing Developments, the Density Bonus Housing Agreement shall provide for the following conditions governing the initial sale and use of Target Units during the applicable use restriction period:
- 111.1.-78.3.9.1 Target Units shall, upon initial sale, be sold to eligible Very Low or Lower Income Households at an Affordable Sales Price and Housing Cost, or to Qualified Residents (i.e. maintained as Senior citizen housing) as defined by this section.
- 111.1.-78.3.9.2 Target Units shall be initially owner-occupied by eligible Very Low or Lower Income Households; or by Qualified Residents in the case of Senior citizen housing.
- 111.1.-78.3.9.3 The initial purchaser of each Target Unit shall execute an instrument or agreement approved by the County restricting the sale of the Target Units in accordance with this ordinance during the applicable use restriction period. Such instrument or agreement shall be recorded against the parcel containing the Target Unit and shall contain such provisions as the County may require to ensure continued compliance with this ordinance and the State Density Bonus Law.

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111.1.~~78~~.3.10 In the case of rental Housing Developments, the Density Bonus Housing Agreement shall provide for the following conditions governing the use of Target Units during the use restriction period:

111.1.~~78~~.3.10.1 The rules and procedures for qualifying tenants, establishing Affordable Rent, filling vacancies, and maintaining Target Units for qualified tenants;

111.1.~~78~~.3.10.2 Provisions requiring owners to verify tenant incomes and maintain books and records to demonstrate compliance with this section.

111.1.~~78~~.3.10.3 Provisions requiring owners to submit an annual report to the County, which includes the name, address, and income of each person occupying Target Units, and which identifies the bedroom size and monthly rent or cost of each Target Unit.

***The following will be modified in Chapter 3, Section 313-139 (Definitions - D)***

**Density Bonus:** Means a minimum density increase of at least twenty-five percent (25%) unless a lesser percentage is elected by the applicant over the otherwise Maximum Residential Density under the certified LCP. The amount of density bonus to which the applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the percentage established in Section 313-111. For each 1 percent increase above 10 percent in the percentage of units affordable to lower income households, the density bonus shall be increased by 1.5 percent up to a maximum of 35 percent. (See, Section 313-111.1, Residential Density Bonus, for further discussion.)

***The following will be modified in Chapter 3, Section 313-113.1 (Special Occupancy Parks)***

**313-113.1 SPECIAL OCCUPANCY PARKS**

113.1.1 **Purpose.** The purpose of these regulations is to ensure that special occupancy parks meet minimum standards of habitability and do not adversely impact surrounding property. (Former Section CZ#A314-34.1(A); Amended by Ord. 2167, Sec. 32, 4/7/98)

113.1.2 **Applicability.** These regulations shall apply to all Special Occupancy Park Use Types. Nothing herein contained shall be deemed to relieve the owner or operator of a Special Occupancy park of the duty of complying with all applicable state and local laws and regulations. (Former Section CZ#A314-34.1(B); Amended by Ord. 2167, Sec. 32, 4/7/98)

**113.1.3 Development Standards.**

113.1.3.1 Location. Special occupancy parks shall be established for the convenience of the traveling public. (Former Section CZ#A314-34.1(C)(1); Amended by Ord. 2167, Sec. 32, 4/7/98)

113.1.3.2 Minimum Site Area. Special occupancy parks shall be located on a parcel of land not less than one (1) acre in area. (Former Section CZ#A314-34.1(C)(2))

113.1.3.3 Density of Occupation. Occupation of campground spaces within special occupancy parks is limited to one (1) recreational vehicle or two (2) tents per each campground space. (Former Section CZ#A314-34.1(C)(3); Amended by Ord. 2167, Sec. 32, 4/7/98)

113.1.3.4 Fences and Walls. Each special occupancy park shall be entirely enclosed at its exterior

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boundaries by appropriate decorative screening or landscaping material; provided, however, that said screen when located within a front yard shall be constructed at or behind the required setback. (Former Section CZ#A314-34.1(C)(4); Amended by Ord. 2167, Sec. 32, 4/7/98)

113.1.3.5 Required Setbacks. The setbacks prescribed by the applicable zone shall apply to special occupancy parks. (Former Section CZ#A314-34.1(C)(5); Amended by Ord. 2167, Sec. 32, 4/7/98)

113.1.3.6 Minimum Campground Space Dimensions. Each campground space within a special occupancy park shall be not less than 1,000 square feet in area, except that thirty percent (30%) of said spaces may not be less than 650 square feet in area for the accommodation of tents and small camping units only. (Former Section CZ#A314-34.1(C)(6); Amended by Ord. 2167, Sec. 32, 4/7/98)

113.1.3.7 Minimum Campground Space Setbacks and Campground Space Density. (Former Section CZ#A314-34.1(C)(7); Amended by Ord. 2167, Sec. 32, 4/7/98)

113.1.3.7.1 Each recreational vehicle or tent occupying a campground space and all accessory buildings shall maintain a six (6) foot setback from any building, or other recreational vehicle or tent, pursuant to regulations contained in Title 25 of the California Code of Regulations, or any successor provisions thereto. (Former Section CZ#A314-34.1(C)(7)(a); Amended by Ord. 2167, Sec. 32, 4/7/98)

113.1.3.7.2 No recreational vehicle or tent shall be located less than fifteen (15) feet from any abutting property. (Former Section CZ#A314-34.1(C)(7)(b); Amended by Ord. 2167, Sec. 32, 4/7/98)

113.1.3.7.3 No recreational vehicle or tent shall be located less than twenty-five (25) feet from any prime arterial or collector road, and not less than fifteen (15) feet from any street right-of-way. (Former Section CZ#A314-34.1(C)(7)(c); Amended by Ord. 2167, Sec. 32, 4/7/98)

113.1.3.7.4 Campground space density shall not exceed twelve (12) units per acre. (Former Section CZ#A314-34.1(C)(7)(d); Amended by Ord. 2167, Sec. 32, 4/7/98)

113.1.3.8 Landscaping. All setbacks from streets and other areas in a special occupancy park not used for driveways, parking, buildings and service areas shall be landscaped in accordance with the conditions of the Use Permit. Walls, earthen berms, and landscaped buffer strips shall be used wherever possible to minimize noise from freeway sources. (Former Section CZ#A314-34.1(C)(8); Amended by Ord. 2167, Sec. 32, 4/7/98)

113.1.3.9 Interior Roadways. Private streets within a special occupancy park shall have the following minimum clearance widths: (Former Section CZ#A314-34.1(C)(9)(a-e); Amended by Ord. 2167, Sec. 32, 4/7/98)

One-way parking with no side parking	15 feet
One-way with parking permitted on one side	22 feet
Two-way with no parking on either side	20 feet
Two-way with parking permitted on one side	27 feet
Two-way with parking permitted on both sides	34 feet

113.1.3.10 Adequate roadway space for turn-arounds shall be provided. (Former Section CZ#A314-34.1(C)(10); Amended by Ord. 2167, Sec. 32, 4/7/98)

113.1.3.11 Off-Street Parking: Parking space in a special occupancy park shall be provided as follows:

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(Former Section CZ#A314-34.1(C)(11); Amended by Ord. 2167, Sec. 32, 4/7/98)

113.1.3.11.1 One (1) parking space for each recreational vehicle. (Former Section CZ#A314-34.1(C)(11)(a); Amended by Ord. 2167, Sec. 32, 4/7/98)

113.1.3.11.2 One (1) parking space for each full-time employee. (Former Section CZ#A314-34.1(C)(11)(b); Amended by Ord. 2167, Sec. 32, 4/7/98)

113.1.3.11.3 For the purpose of registration, the following number of spaces for temporary parking in proximity to the park office shall be provided: (Former Section CZ#A314-34.1(C)(11)(c); Amended by Ord. 2167, Sec. 32, 4/7/98)

0 - 200 occupant spaces	6 spaces
201 - 300 occupant spaces	8 spaces
301 or more occupant spaces	10 spaces

113.1.3.12 Location Map. Each campground space in a special occupancy park shall be clearly identified and a map showing the location of each space shall be provided at the park office. (Former Section CZ#A314-34.1(C)(12); Amended by Ord. 2167, Sec. 32, 4/7/98)

113.1.3.13 Trash Collection. Common storage enclosures for garbage and trash shall be provided. Such enclosures shall be of sturdy construction and designed to screen trash and garbage receptacles from public view. (Former Section CZ#A314-34.1(C)(13); Amended by Ord. 2167, Sec. 32, 4/7/98)

113.1.3.14 Lighting. Adequate artificial lighting shall be provided for all walkways, streets, parking areas, sanitary facilities, storage areas, and recreational facilities. No lighting shall be constructed or positioned so as to cause direct or undesirable illumination of adjacent property or campground spaces within the park. (Former Section CZ#A314-34.1(C)(14); Amended by Ord. 2167, Sec. 32, 4/7/98)

113.1.3.15 Sanitary Facilities. Sanitary facilities for a special occupancy park facility shall be in accordance with the regulations of Title 25 of the California Code of Regulations, or any successor provisions thereto, and shall include: (Former Section CZ#A314-34.1(C)(15); Amended by Ord. 2167, Sec. 32, 4/7/98)

113.1.3.15.1 The availability of a portable water supply from a public utility or a distributor holding a valid permit from the State. Water supplies from other sources shall be approved by the Humboldt County Department of Health; (Former Section CZ#A314-34.1(C)(15)(a); Amended by Ord. 2167, Sec. 32, 4/7/98)

113.1.3.15.2 Wastewater disposal facilities provided by a public agency which has met the requirements of the Regional Water Quality Control Board. Alternative or individual disposal systems shall be approved by the County Health Department; (Former Section CZ#A314-34.1(C)(15)(b))

113.1.3.15.3 A recreational vehicle sanitation station designed and constructed in accordance with the regulations of Title 25 of the California Code of Regulations, or any successor provision thereto; and approved by the County Health Department where on-site sanitation is proposed; (Former Section CZ#A314-34.1(C)(15)(c))

113.1.3.15.4 Toilets, showers and lavatories for the exclusive use of the occupants of the special occupancy park shall be provided as required by Health and Safety Code Section 1864(b),

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or any successor provision thereto; (Former Section CZ#A314-34.1(C)(15)(d); Amended by Ord. 2167, Sec. 32, 4/7/98)

113.1.3.15.5 Laundry facilities in accordance with the requirements of the State Health and Safety Code and/or other applicable State laws or regulations. (Former Section CZ#A314-34.1(C)(15)(e); Amended by Ord. 2167, Sec. 32, 4/7/98)

113.1.3.16 Storage Facilities. Storage facilities may be provided for the storage of vehicles belonging to park occupants. Storage areas shall be paved or graveled and enclosed by a solid wall or fence not less than six (6) feet in height. (Former Section CZ#A314-34.1(C)(16); Amended by Ord. 2167, Sec. 32, 4/7/98)

113.1.4 **Accessory Buildings**. A special occupancy park may include the following accessory buildings; provided such uses are designed to be clearly accessory to the special occupancy park and intended for the convenience of the occupants and their guests: (Former Section CZ#A314-34.1(D); Amended by Ord. 2167, Sec. 32, 4/7/98)

113.1.4.1 Assembly and Recreation. A building or buildings designed for indoor assembly or recreation. (Former Section CZ#A314-34.1(D)(1); Amended by Ord. 2167, Sec. 32, 4/7/98)

113.1.4.2 Commercial Services. Commercial structures and uses such as general store, restaurant, lunch counter, or snack bar. (Former Section CZ#A314-34.1(D)(2); Amended by Ord. 2167, Sec. 32, 4/7/98)

113.1.4.3 Personal Services. Service buildings and facilities incidental to and customarily accessory to permitted uses, including sauna baths and swimming pools. (Former Section CZ#A314-34.1(D)(3); Amended by Ord. 2167, Sec. 32, 4/7/98)

113.1.4.4 Caretaker's Residence. (Former Section CZ#A314-34.1(D)(4))

113.1.5 **Limitations**. No person or group of persons other than the owner or operator thereof shall occupy any of the campground spaces in a special occupancy park for permanent family or group residential use. Length of occupancy of all other campground spaces shall be regulated as follows: (Former Section CZ#A314-34.1(E); Amended by Ord. 2167, Sec. 32, 4/7/98)

113.1.5.1 Persons occupying vehicles with total hook-up capacity, including sewer, water and electricity, shall not occupy any campground space in a special occupancy park for a period exceeding four (4) months in any twelve (12) month period, nor shall the cumulative occupancy by such persons of different campground spaces anywhere in the facility exceed four (4) months in any twelve (12) month period. (Former Section CZ#A314-34.1(E)(1); Amended by Ord. 2167, Sec. 32, 4/7/98)

113.1.5.2 Persons occupying tents or vehicles with less than total hook-up capacity shall not occupy any campground space in a special occupancy park for a period exceeding thirty (30) days in any twelve (12) month period, nor shall the cumulative occupancy by such persons of different campground spaces anywhere in the facility exceed a total of thirty (30) days in any twelve (12) month period. (Former Section CZ#A314-34.1(E)(2); Amended by Ord. 2167, Sec. 32, 4/7/98)

113.1.6 **Modification of Development Criteria**.

113.1.6.1 Modification of the development standards ~~113.1.1 through 113.1.4~~ 113.1.3 of this section may be granted by the Hearing Officer subject to making the required findings for Granting Special Permit Exceptions in Chapter 2, Procedures, and the finding that the development will be consistent with all applicable State and local health and safety standards, and that the development

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would have no adverse impact on coastal resources. (Former Section CZ#A314-34.1(F))

~~113.1.6.2 Modification of the development standard 113.1.5 of this section may also be allowed with a Special Permit, provided the following supplemental findings are made: (Former Section CZ#A314-34.1(F))~~

~~113.1.6.2.1 the development will be compatible with surrounding land uses, and (Former Section CZ#A314-34.1(F))~~

~~113.1.6.2.2 the development meets minimum State standards for habitability. (Former Section CZ#A314-34.1(F))~~

113.1.6.32 To ensure the park is compatible with surrounding property uses, the Hearing Officer ~~may limit the term of the permit to a specified time period, and~~ may require that the caretaker of the park has specific plans and sufficient experience with anticipated users to effectively engage the cooperation of the users to maintain the park in a clean, safe and sanitary condition. (Former Section CZ#A314-34.1(F))

113.1.6.43 The Hearing Officer may also require the caretaker to:  
(Former Section CZ#A314-34.1(F))

113.1.6.53.1 demonstrate the ability to implement a plan for responding to the ongoing concerns of the neighbors, such as regularly scheduled meetings and 24 hour crisis response capacity, and (Former Section CZ#A314-34.1(F))

113.1.6.63.2. agree to mediation by a disinterested party agreeable to all parties, where conflicts with neighbors persist. (Former Section CZ#A314-34.1(F))

***The following will be modified in Chapter 3, Section 313-31.1 (Planned Unit Development)***

**313-31.1 P: PLANNED UNIT DEVELOPMENT**

31.1.1 **Purpose.** The purpose of these provisions is to encourage planned developments, and to allow flexibility in the administration of the development standards in this Division for the purpose of: (Former Section CZ#A314-62(A))

31.1.1.1 Permitting more flexibility to cope with difficulties due to topography and other natural or man made features; (Former Section CZ#A314-62(A)(1))

31.1.1.2 Providing for clustered development in concert with the provision of residential amenities such as open space, recreation areas, and neighborhood commercial services; (Former Section CZ#A314-62(A)(2))

31.1.1.3 Encouraging a more creative approach to land development through waiver of development standards and application of less rigid development criteria where such flexibility can better provide for the protection and enhancement of designated sensitive habitats and cultural resources provided all the required findings for approving subdivisions can be made; (Former Section CZ#A314-62(A)(3))

**31.1.2 Applicability.**

31.1.2.1 The regulations shall apply to areas designated "P" on the Zoning Maps. (Former Section CZ#A314-62(B)(1))

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- 31.1.2.2 These regulations may be applied where any of the following conditions prevail, provided the Director and the applicant agree that to do so would be in the public interest and best interests of the applicant: (Former Section CZ#A314-62(B)(2))
- 31.1.2.2.1 Any site where more than four (4) dwelling units, commercial buildings or industrial buildings or combination thereof are proposed; (Former Section CZ#A314-62(B)(2)(a))
- 31.1.2.2.2 The development proposal is within a residential zone and includes residential and nonresidential development; (Former Section CZ#A314-62(B)(2)(b))
- 31.1.2.2.3 Any site or development proposal where application of these regulations would provide a better means of carrying out the intent of the County General Plan. (Former Section CZ#A314-62(B)(2)(c))
- 31.1.3 **Minimum Lot Size Requirement.** Planned Unit Developments shall be permitted on lots of 20,000 square feet or larger. (Former Section CZ#A314-62(C))
- 31.1.4 **Use Types Permitted.** The principally permitted use types in the applicable zoning district shall also be permitted in the Planned Unit Development. Conditionally permitted use types may be permitted with a Use Permit. (Former Section CZ#A314-62(D))
- 31.1.5 **Modifications of Development Standards.** The following development standard modifications may be approved by the Planning Commission reviewing the Planned Unit Development permit applications only if it is determined that the means of accommodating the proposed development standard modifications would not have an adverse effect on coastal resources. If, however, the County determines that the means for accommodating the proposed development standard modifications proposed by the applicant would have an adverse effect on coastal resources, the County shall not grant the development standard modification: (Former Section CZ#A314-62(E))
- 31.1.5.1 **Residential Density Standards.** (Former Section CZ#A314-62(E)(1))
- 31.1.5.1.1 Applicable residential density standards may be increased by as much as twenty-five percent (25%) if the development incorporates extraordinary public benefits such as enhancement of sensitive habitats, visual resources, or cultural resources, development and maintenance of public access to recreational areas, or at least forty percent (40%) of the total lot area of the PUD is reserved for common open space areas which conform to all the following requirements: (Former Section CZ#A314-62(E)(1)(a))
- 31.1.5.1.1.1 They must be useable and available to occupants of the PUD. (Former Section CZ#A314-62(E)(1)(a))
- 31.1.5.1.1.2 They must average at least 100 feet in width. (Former Section CZ#A314-62(E)(1)(a))
- 31.1.5.1.1.3 At least one half of the required open space shall have an overall finished grade not to exceed ten percent (10%) and shall be suitably improved for its intended purpose. (Former Section CZ#A314-62(E)(1)(a))
- 31.1.5.1.1.4 All lawn and landscaped areas within the required common open space shall be provided with a permanent watering system adequate to maintain such areas in a healthy condition. (Former Section CZ#A314-62(E)(1)(a))
- 31.1.5.1.2 The twenty-five percent (25%) density bonus limit in paragraph 31.1.5.1.1 is the maximum density bonus permitted; it may not be combined with any other density bonus allowed by County or State regulations if densities greater than twenty-five percent (25%) would result. (Former Section CZ#A314-62(E)(1)(b))

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- 31.1.5.1.3 If development is to be accomplished in stages, the development shall coordinate the improvement of the common open space areas and the construction of dwelling units in order that each development stage may achieve a proportional share of the total common open space. (Former Section CZ#A314-62(E)(1)(c))
- 31.1.5.1.4 Common areas must be owned, managed and maintained by the PUD owners association, public agency, or equivalent organization. (Former Section CZ#A314-62(E)(1)(d))
- 31.1.5.1.5 The dedication or offer of dedication for an easement for coastal access or view shall not be considered to lower the area of a parcel for purposes of density calculation. (Former Section CZ#A314-62(E)(1)(e))
- 31.1.5.1.6 Areas not designated for residential development in the General Plan shall not be included in calculating permitted densities. (Former Section CZ#A314-62(E)(1)(f))
- 31.1.5.2 Lot Size Standards. The applicable lot size standards may be modified to carry out the intent of the Planned Unit Development Regulations, provided all other development standards set forth herein are either met, or modified pursuant to this subsection. (Former Section CZ#A314-62(E)(2))
- 31.1.5.3 Lot Coverage Standards. The applicable lot coverage standards shall apply, except that building coverage shall be calculated over the entire development instead of being applicable to each lot in the development. (Former Section CZ#A314-62(E)(3))
- 31.1.5.4 Setback Standards. The applicable setback standards may be modified provided: (Former Section CZ#A314-62(E)(4))
- 31.1.5.4.1 Lot coverage requirements herein are met; (Former Section CZ#A314-62(E)(4)(a))
- 31.1.5.4.2 Setbacks for lots located in the perimeter of the development conform with the setback requirements stipulated for the zone; (Former Section CZ#A314-62(E)(4)(b))
- 31.1.5.4.3 removed (Former Section CZ#A314-62(E)(4)(c))
- 31.1.5.5 Permitted Principal Building Types. The applicable Building Type requirements shall apply except that the Hearing Officer may permit other Building Types as part of an approval of the Planned Unit Development Permit. (Former Section CZ#A314-62(E)(5))
- 31.1.6 **Design Guidelines.** These guidelines shall be considered by architects, engineers, and other persons involved in designing Planned Unit Developments, and by the Planning Commission and Board of Supervisors in reviewing them. The guidelines recognize that while few people are in complete accord on what makes a well designed project, there is general agreement on a number of basic design principles, which are enumerated as follows. Consideration of these guidelines does not eliminate or supersede the need to comply with all other applicable requirements of the certified LCP. (Former Section CZ#A314-62(F))
- 31.1.6.1 Natural Considerations.
- 31.1.6.1.1 The starting point in any design should be maintenance of the prominent natural features of the site. (Former Section CZ#A314-62(F)(1))
- 31.1.6.1.2 Major trees and shrubs should be retained to the maximum extent possible, and should become the basis of the design of lots, roads, and other open spaces in the PUD.

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They add permanence and a sense of continuity to new developments, and new landscaping will take many years to provide the same benefits that mature existing vegetation will provide immediately. In some cases, native landscaping can be replaced in phases if part of a long-term plan to create a different landscaping effect. (Former Section CZ#A314-62(F)(1))

31.1.6.1.3 New homesites should be sited and designed to concentrate development on level areas so that disturbance of steeper hillsides is minimized. Where the size and topography of the site requires development on hillsides, new construction and grading should follow the natural contours of the landscapes, fitting the site rather than altering the landform to accommodate buildings. (Former Section CZ#A314-62(F)(1))

31.1.6.1.4 To maintain ridgeline and hillside silhouettes, new development near ridgelines or steep slopes should be sited adjacent to existing major vegetation, where the major vegetation is retained. The height of buildings constructed near ridgelines should not affect the ridgeline silhouette. (Former Section CZ#A314-62(F)(1))

31.1.6.1.5 Natural slopes in excess of twenty-five percent should remain undisturbed. (Former Section CZ#A314-62(F)(1))

31.1.6.1.6 Disturbed areas not proposed for development should be renaturalized and revegetated as quickly as possible. (Former Section CZ#A314-62(F)(1))

#### 31.1.6.2 Circulation Considerations.

31.1.6.2.1 Residences should take access from local roads serving a limited number of units. Few, if any, dwellings should front upon a collector street. This will restrict the amount of traffic in front of homes, which in turn promotes safety to children, pedestrians, pets, and even parked cars on the street. (Former Section CZ#A314-62(F)(2))

31.1.6.2.2 Where residential road construction of a two lane travel way would eliminate large trees or other prominent natural features, or result in excess grading, roads should be divided to preserve those features. (Former Section CZ#A314-62(F)(2))

31.1.6.2.3 Shoulders tend to visually widen the road, and encourage higher speeds as a result. Where shoulders are required for stormwater management on residential streets, the shoulders should be grass surfaced wherever possible. (Former Section CZ#A314-62(F)(2))

31.1.6.2.4 Incorporating alleys into the transportation system serving smaller lots is encouraged since alleys can be a beneficial means of providing a second automobile access to narrow lots. Although it is generally more desirable for alleys to connect a street at both ends, in some cases, dead end alleys with turn arounds may be permitted. (Former Section CZ#A314-62(F)(2))

#### 31.1.6.3 Parking Considerations.

31.1.6.3.1 Reducing the visual impact of lines of parked cars and expanses of asphalt can add more to the good looks of a building than anything else. (Former Section CZ#A314-62(F)(3))

31.1.6.3.2 Shared parking areas such as parking courtyards are encouraged. (Former Section CZ#A314-62(F)(3))

31.1.6.3.3 Whenever possible, parking areas should be placed at the side or back of a building. (Former Section CZ#A314-62(F)(3))

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31.1.6.3.4 To avoid the long, narrow, dreary look of carports found in some older apartment complexes, individual carports and garages should be designed to accommodate no more than four vehicles. (Former Section CZ#A314-62(F)(3))

31.1.6.3.5 If a parking lot for five cars is within twenty (20) feet of a street property line, a landscaped strip at least five (5) feet wide should be provided between the parking lot and the street. This strip should have a fence, berm, wall or landscaping hedge that is three (3) feet high at the edge closest to the parking lot. (Former Section CZ#A314-62(F)(3))

31.1.6.3.6 A screening device not less than six (6) feet high should be provided along all interior property lines where a parking lot for five (5) or more cars adjoins a property line of a residential use. Raised earth mounds with landscaping may be used in place of fencing. (Former Section CZ#A314-62(F)(3))

31.1.6.3.7 To avoid unwarranted noise or light, no parking lot for five (5) or more cars should allow the front of parked cars to be within fifteen (15) feet of the front of a living unit. (Former Section CZ#A314-62(F)(3))

31.1.6.4 Architectural Considerations.

31.1.6.4.1 Buildings should be compatible in design to development nearby. Building size is not necessarily a major concern in design; the size of large buildings can be visually reduced by providing changes in the depth of the facade (both vertical and horizontal), and changes in facade materials. (Former Section CZ#A314-62(F)(4))

31.1.6.4.2 Buildings should be made compatible in style to nearby development through the use of similar roof types, siding materials, color schemes, architectural details, and landscaping design. (Former Section CZ#A314-62(F)(4))

31.1.6.4.3 Living rooms, and eating and sleeping areas should face toward gardens and open areas and away from streets and parking areas. (Former Section CZ#A314-62(F)(4))

31.1.6.5 Other Considerations.

31.1.6.5.1 Landscaping should be used to enhance privacy, and to give visual order to the development. (Former Section CZ#A314-62(F)(5))

31.1.6.5.2 All multifamily units of four (4) or more dwellings should have laundry facilities, either as a common laundry room or in-unit connections for washers and dryers. A rule of thumb for common laundry facilities is one washer/dryer in a four-plex, and one additional washer/dryer for each additional six units, although family units will probably require more. (Former Section CZ#A314-62(F)(5))

31.1.6.5.3 One or more areas within a project should be set aside for trash collection and recycling collection. These areas should be conveniently placed, screened off from sight, directly accessible for the garbage and recycling trucks, and sited where early morning collection will not disturb residents. (Former Section CZ#A314-62(F)(5))

31.1.6.5.4 All utilities should be placed underground. (Former Section CZ#A314-62(F)(5))

31.1.6.5.5 Surcharge retention swales should be used to collect and dissipate stormwater runoff. (Former Section CZ#A314-62(F)(5))

31.1.7 **Circulation.** (See also, Circulation Considerations, subsection 313-31.1.6.2 and Parking Considerations, subsection 313-31.1.6.3)

31.1.7.1 Access: Planned Unit Developments shall be appropriately located with respect to streets and

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highways or other transportation facilities so as to encourage smooth traffic flow with controlled turning movements and minimum hazards to pedestrians, passing traffic, or to traffic entering and leaving the development. Merging and turnout lanes shall be required if they are needed due to existing or anticipated flows of passing traffic, or traffic from or to the Planned Unit Development. The need for such lanes shall be determined by the Planning Division of the Community Development Services Department, in conjunction with the Department of Public Works. (Former Section CZ#A314-62(G)(1))

31.1.7.2 Internal Circulation.

31.1.7.2.1 Roads, pedestrian paths and bikeway paths shall be an integrated system designed to provide efficient and safe circulation to all uses. Pedestrian paths and bikeways shall be clearly signed and have adequate crossing facilities where warranted. (Former Section CZ#A314-62(G)(2))

31.1.7.2.2 Developments should be designed to minimize the length of roadway, to encourage smooth traffic flow with controlled turning movements, and to minimize hazards to pedestrians, passing traffic, or to traffic entering and leaving the development. Merging and turnout lanes shall be required where existing or anticipated flows of passing traffic or traffic from or to the Planned Unit Development indicate the need for such lanes, as specified in subsection 31.1.7.1, Access. (Former Section CZ#A314-62(G)(2))

31.1.7.3 Siting of Roadways and Parking Areas. Siting of roadways and parking areas shall be consistent with the character of the site, avoiding excessive cuts and fills. (Former Section CZ#A314-62(G)(3))

31.1.7.4 Parking Standards. The following will be the minimum off-street parking requirements for dwelling units and permitted commercial uses in a residential Planned Unit Development: (Former Section CZ#A314-62(G)(4))

31.1.7.4.1 Parking spaces for permitted uses, shall be provided in accordance with the Off-Street Parking Regulations. (Former Section CZ#A314-62(G)(4)(a))

31.1.7.4.2 Off-Street parking shall be designed and located in accordance with the Off-Street Parking and Loading Standards except that: (Former Section CZ#A314-62(G)(4)(b))

31.1.7.4.2.1 Off-street parking may be clustered in parking pods in proximity to the dwelling units they serve; and (Former Section CZ#A314-62(G)(4)(b)(i))

31.1.7.4.2.2 Off-street parking for guests may be required up to a maximum of one (1) space per two (2) dwelling units. (Former Section CZ#A314-62(G)(4)(b)(ii))

31.1.7.5 Recreation Vehicle Parking. Sufficient parking space may be required for storage of residents' recreational vehicles. If required, a recreational vehicle parking area shall be located so as to be compatible with the surrounding land use. If located along the outer fringe of the Planned Unit Development, it shall be adequately screened from vision from the adjacent properties. (Former Section CZ#A314-62(G)(5))

31.1.8 Utilities. In addition to other requirements set forth herein, the following shall apply:

31.1.8.1 All utilities shall be approved by the appropriate agencies; (Former Section CZ#A314-62(H)(1))

31.1.8.2 All utility services should be placed underground, if required by the appropriate agencies; (Former Section CZ#A314-62(H)(2))

31.1.8.3 Provisions shall be made for fire prevention, including service waterlines, and free emergency access for firefighting equipment around buildings; (Former Section CZ#A314-62(H)(3))

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31.1.8.4 Provisions shall be made for control of site storm water drainage. (Former Section CZ#A314-62(H)(4))

- 31.1.9 **Owners Association.** A non-profit incorporated owners association, or an alternative acceptable to County Counsel, shall be required if other satisfactory arrangements, such as County Service Area, have not been made for improving, operating and maintaining common facilities, including open space, streets, drives, service and parking areas, and recreation areas. (Former Section CZ#A314-62(I))

***The following will be modified in Chapter 3, Section 313-87.1 (Second Residential Unit)***

**313-87.1 SECOND RESIDENTIAL UNIT**

- 87.1.1 **Purpose.** These regulations are intended to set forth standards for the creation of a subordinate residential unit or the conversion of existing living space into independent living space on lots in rural areas and residential neighborhoods. These units are also referred to as second units, second dwelling units, secondary dwelling units, etc., but all refer to the same type of structure and use and mean the same. (Former Section CZ#A314-31(A))
- 87.1.2 **Second Residential Units Permitted with Coastal Development Permit ~~or~~ and Special Permit.** A second residential unit use type, as defined in this Code, may be permitted with a Coastal Development Permit in RS and RA zones if all the criteria of subsection 313-87.1.4, Development Regulations and Standards, are met. A second residential unit that cannot meet all the criteria in subsection 87.1.4 may be permitted with a coastal development permit and Special Permit pursuant to subsections 313-87.1.7 through 313-87.1.10 so long as the second unit meets the criteria of section 87.1.4.8 – 87.1.4.12. (Former Section CZ#A314-31(B))
- 87.1.3 **General Provisions.** The following General Provisions shall apply to all secondary residential units. (Former Section CZ#A314-31(C))
- 87.1.3.1 **Ownership:** A second residential unit shall remain under the same ownership as the main residential building. Such units shall not be the subject of condominium conversion or subdivision unless, in the case of a subdivision, the full lot area requirements of the zone are met. (Former Section CZ#A314-31(C)(1))
- 87.1.3.2 **Renting Permitted:** The second residential unit may be rented although rental is not required. (Former Section CZ#A314-31(C)(2))
- 87.1.3.3 **Building Type:** The second residential unit may be attached to, or detached from, the principal residence and may be over a garage. (Former Section CZ#A314-31(C)(3))
- 87.1.3.4 **Kitchen and Bathroom Facilities Required:** The second residential unit shall contain separate kitchen or kitchenette and bathroom facilities. Where the unit has a separate entrance, the entrance shall be subordinate to the entrance of the main unit. (Former Section CZ#A314-31(C)(4))
- 87.1.3.5 **Manufactured Homes:** A manufactured home may be permitted as a second residential unit in certain zoning districts where the manufactured home building type is specifically authorized. (Former Section CZ#A314-31(C)(5))
- 87.1.3.6 **Existing Single Family Residence:** Where one single family dwelling unit exists on a lot, a larger second unit may be constructed as the principal dwelling unit, and the existing unit treated as the second unit, provided that the floor area of the existing unit is within the limitations of this section, and all other development regulations and standards can be met for both units. (Former Section CZ#A314-1(C)(6))

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87.1.4 **Development Regulations and Standards.** The following development regulations and standards shall apply to all second residential units: (Former Section CZ#A314-31(D))

87.1.4.1 Utilities. Utilities may be shared in common with or separate from the main dwelling unit, whichever method may afford compliance with the applicable requirements of the County Code, including the currently effective versions of the Uniform Building Codes. (Former Section CZ#A314-31(D)(1))

87.1.4.2 Building Site. The building site shall be shared in common with the main dwelling unit. The residences share a common building site when they are located no further than thirty (30) feet from each other and when they share a common driveway. (Former Section CZ#A314-31(D)(2))

87.1.4.3 Minimum Lot Size. A second residential unit may be constructed or placed on a lot substandard to the zone. (Former Section CZ#A314-31(D)(3))

87.1.4.4 Total Floor Area. The total floor area of any detached second dwelling unit, or in the case of an attached unit, the increase in floor area, shall be no more than 1,000 square feet, or sixty (60) percent of the principal dwelling, whichever is less. (Former Section CZ#A314-31(D)(4))

87.1.4.5 Development Standards. The second dwelling unit shall conform to the development standards for the main dwelling of the zoning district in which it is located, including but not limited to, standards for front, rear and side yard setbacks, height and lot coverage. (Former Section CZ#A314-31(D)(5))

87.1.4.6 Design Standards. The second dwelling unit shall be constructed in such a manner as to be compatible with the existing neighborhood in terms of form, height, material and landscaping. The height of the secondary dwelling unit shall not exceed the height of the principal unit by more than eight (8) feet. (Former Section CZ#A314-31(D)(6))

87.1.4.7 Access. The subject lot shall have a minimum of fifty (50) feet of frontage on a road improved to a road category 4 or better, as specified in the Appendix to Title III, Division 2, of the Humboldt County Code. (Former Section CZ#A314-31(D)(7))

87.1.4.8 Services. The applicant shall provide evidence of adequate services to serve the second residential unit including water supply and sewage disposal.

87.1.4.9 Public Access. Second residential units shall not obstruct public access to and along the coast or public trails.

87.1.4.10 Visual Resources. Second residential units shall not significantly obstruct public views from any public road, trail, or public recreation area to, and along the coast.

87.1.4.11 Environmentally Sensitive Habitat Areas and Wetlands. All development associated with second residential units shall be located no closer than 100 feet from the outer edge of an environmentally sensitive habitat area or the average setback of existing development immediately adjacent as determined by the "string line method".

87.1.4.12 Agricultural Lands. All development associated with second residential units shall be prohibited on prime agricultural soils and where there are no prime soils, be sited so as to minimize impacts to ongoing agriculturally related activities.

87.1.5 **Second Dwelling Units on Lots with Nonconforming Use or Structure.** Second dwelling units may be approved on lots with nonconforming uses, structures or support facilities provided that: (Former Section CZ#A314-31(E))

87.1.5.1 In the case of nonconformity due to use, the application can be processed consistent with the

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regulations for nonconforming uses in this Code;  
(Former Section CZ#A314-31(E)(1))

87.1.5.2 In the case of nonconformity due to height or yard setbacks, no greater degree of nonconformity is created; (Former Section CZ#A314-31(E)(2))

87.1.5.3 In the case of nonconformity due to County Code health provisions, all currently applicable County Code health provisions can be met; (Former Section CZ#A314-31(E)(3))

87.1.5.4 In the case of nonconformity due to building codes, parking and road easements, encroachments and standards, all current applicable codes can be met, or substantially met to the extent that it is determined that no abnormal risk to health or safety will result from occupancy of the unit.  
(Former Section CZ#A314-31(E)(4))

**87.1.6 Existing Second Dwelling Units.**

87.1.6.1 A Special Permit may be approved by the Hearing Officer for a second dwelling unit which was constructed or partially constructed prior to March 13, 1984, on any lot. (Former Section CZ#A314-31(F)(1))

87.1.6.2 The Hearing Officer may approve a Special Permit for the second dwelling unit, provided that:  
(Former Section CZ#A314-31(F)(2))

87.1.6.2.1 an inspection of the dwelling shall be made by the appropriate county official(s); and  
(Former Section CZ#A314-31(F)(2))

87.1.6.2.2 the Official(s) determine(s) that the requirements of the applicable County codes, including modification thereof, have been met or substantially met, to the extent that no abnormal risk to health or safety will result from occupancy of the dwelling, and

87.1.6.2.3 the dwelling otherwise conforms to the County Code. (Former Section CZ#A314-31(F)(2))

87.1.7 **Waiver of Density Standards.** Applicable density standards shall be waived for secondary dwelling units in RS zones and RA zones which are planned and zoned for minimum parcel sizes of five acres or less.  
(Former Section CZ#A314-31(G))

87.1.8 **Waiver of Maximum Floor Area.** The maximum floor area requirement may be modified or waived with a Special Permit where sufficient information is submitted with the application, including but not limited to, elevations and views of existing, proposed, and adjacent buildings, to enable the Hearing Officer to determine, after providing for public comment, that the secondary dwelling unit would be subordinate to the principal unit and that the development would be compatible with the existing neighborhood. (Former Section CZ#A314-31(H))

87.1.9 **Waiver of Building Site Standards.** With a Special Permit, the requirement that the building site be shared in common may be modified or waived where sufficient information is submitted with the application, including but not limited to, elevations and views of existing, proposed and adjacent buildings, to enable the Hearing Officer to determine, after providing for public comment, that the secondary dwelling unit would be subordinate to the principal unit and that the development would be compatible with the existing neighborhood. (Former Section CZ#A314-31(I))

87.1.10 **Waiver of Road Category 4 Access Standards.** The requirement that the subject lot be served by a road that at a minimum meets the Road Category 4 standard, may be modified or waived with a Special Permit where the subject property is served by a road design equivalent to a Road Category 4 or better that is acceptable to the California Department of Forestry and Fire Protection and the Humboldt County

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87.1.11 **Required Findings.** In addition to the findings required for all permits, the following applicable Residential Use findings shall also be made prior to the approval of a Coastal Development Permit or Special Permit for a second dwelling unit: "The second dwelling unit is subordinate to the principal residence and is compatible with the character of the neighborhood, and the development is consistent with ~~general plan LCP~~ policies regarding maintenance of open space, retention of agriculture and timber lands, and ~~protection of the environment~~ the criteria of 87.1.4.8 – 87.1.4.12" (Former Section CZ#A314-31(1); CZ#A315-16(A)(1))

*The following will be modified in Chapter 3, Section 313-2 (CN: Neighborhood Commercial)*

## 313-2 COMMERCIAL ZONE REGULATIONS

313-2.1 CN: Neighborhood Commercial	
	<b>Principal Permitted Use</b>
Civic Use Types	Minor Utilities
Commercial Use Types	Neighborhood Commercial <u>Principal Permitted Use (See Section 313-163.1.9 for description)</u>
Residential Use Types	<del>Caretaker's Residence which is incidental to and under the same ownership as an existing commercial use.</del>
	<b>Conditionally Permitted Use</b>
<b>Use Type</b>	
Civic Use Types	Administrative Community Assembly Essential Services Minor Generation and Distribution Facilities Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations
Commercial Use Types	Retail Sales Retail Services Office and Professional Service
Use Types Not Listed in This Table**	Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the CN zone.

\*See, Industrial Performance Standards, Section 313-103.1.

\*\*See, "Classifying Uses Not Specifically Mentioned in Use Type Descriptions," Section 313-165.

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<b>313-2.1 CN: Neighborhood Commercial</b>	
<b>Development Standards</b>	
<b>Minimum Lot Size</b>	5,000 square feet
<b>Minimum Lot Width</b>	Fifty feet (50')
<b>Maximum Lot Depth</b>	Three (3) times the lot width
<b>Maximum Density</b>	(None specified.)
<b>Minimum Yard Setbacks***</b>	
Front	None, except that where frontage is in a block which is partially in a Residential (RS, R2, RM) zone, the front yard shall be same as that required in such Residential zone
Rear	Fifteen feet (15'), except that where a rear yard abuts an alley, such rear yard may be not less than five feet (5')
Side	None, except that a side yard of an interior lot abutting on a Residential (RS, R2, RM) zone or an Agricultural (AE) zone shall not be less than the front yard required in such Residential zone or Agricultural zone.
Flag Lots	For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.
<b>Maximum Ground Coverage</b>	(None specified).
<b>Maximum Structure Height</b>	Forty-five feet (45')
<b>Permitted Main Building Types</b>	Ancillary Residential, Manufactured Home Limited Mixed Residential - Nonresidential Nonresidential Detached, Multiple/Group

\*\*\*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 313-30: "Alquist-Priolo Fault Hazard" and the "Fire Safe Regulations" at Title III, Division 11.  
(Former Section CZ#A313-21(A-C))

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The following will be modified in Chapter 3, Section 313-5.1 (PR: Public Recreation)

<b>313-5.1 PR: Public Recreation</b>	
<b>Civic Use Types</b>  <b>Natural Resource Use Types</b> <b>Use Type</b> <b>Residential Use Types</b> <b>Civic Use Types</b>  <b>Commercial Use Types</b>  <b>Natural Resource Use Types</b>  <b>Use Types Not Listed in This Table**</b>	<b>Principal Permitted Use</b> Public Recreation <u>Principal Permitted Use (See Section 313-163.1.9 for description)</u> and Open Space Minor Utilities Coastal Access Facilities  <b>Conditionally Permitted Use</b> Caretaker's Residence Essential Services Oil and Gas Pipelines; subject to the Oil and Gas Pipeline Regulations Minor Generation and Distribution Facilities Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations Visitor Serving Facilities Commercial Recreation Coastal-Dependent Recreation Recreational Vehicle Park Fish and Wildlife Habitat Management Watershed Management Wetland Restoration Resource-Related Recreation Boating Facilities Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the PR zone.
<b>Development Standards</b>	
<b>Minimum Lot Size</b>	5,000 square feet.
<b>Minimum Lot Width</b>	Fifty feet (50').
<b>Maximum Lot Depth</b>	Three (3) times the lot width.
<b>Maximum Density</b>	(None specified.)
<b>Minimum Yard Setbacks***</b>	
Front	None, except that where frontage is in a block which is partially in a Residential (RS, R2, RM) zone, the front yard shall be same as that required in such Residential zone
Rear	Fifteen feet (15'), except that where a rear yard abuts an alley, such rear yard may be not less than five feet (15').
Side	None, except that a side yard of an interior lot abutting on a Residential (RS, R2, RM) zone or an Agricultural (AE) zone shall not be less than the front yard required in such Residential zone or Agricultural zone.
Flag Lots	For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.
<b>Maximum Ground Coverage</b>	Thirty-five percent (35%).
<b>Maximum Structure Height</b>	Thirty-five feet (35').
<b>Permitted Main Building Types</b>	Ancillary Residential; Manufactured Home. Limited Mixed Residential - Nonresidential. Nonresidential Detached, Multiple/Group.

\*\*See, "Classifying Uses Not Specifically Mentioned in Use Type Descriptions," Section 313-165.

\*\*\*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 313-30: "Alquist-Priolo Fault Hazard" and the "Fire Safe Regulations" at Title III, Division 11.(Former Section CZ#A313-20(A))

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313-5.2 CR: Commercial Recreation	
	<b>Principal Permitted Use</b>
Civic Use Types	Minor Utilities
Commercial Use Types	Visitor Serving Facilities
	Transient Habitation
	Commercial Recreation Principal Permitted Use (See Section 313-163.1.9 for description)
Natural Resource Use Types	Coastal-Dependent Recreation
	Resource-Related Recreation
	Coastal Access Facilities
<b>Use Type</b>	<b>Conditionally Permitted Use</b>
Residential Use Types	Single Family Residential
	Caretaker's Residence
Civic Use Types	Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations
	Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations
	Minor Generation and Distribution Facilities
Commercial Use Types	Special Occupancy Park
Commercial Timber Use Types	Timber Production
Natural Resource Use Types	Fish and Wildlife Management
	Watershed Management
	Wetland Restoration
	Boating Facilities Improvements
Use Types Not Listed in This Table**	Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the CR zone.
Development Standards	
Minimum Lot Size	5,000 square feet.
Minimum Lot Width	Fifty feet (50').
Maximum Lot Depth	Three (3) times the lot width.
Maximum Density	(None specified.)
Minimum Yard Setbacks***	
Front	None, except that where frontage is in a block which is partially in a Residential (RS, R2, RM) zone, the front yard shall be same as that required in such Residential zone
Rear	Fifteen feet (15'), except that where a rear yard abuts an alley, such rear yard may be not less than five feet (5').
Side	None, except that a side yard of an interior lot abutting on a Residential (RS, R2, RM) zone or an Agricultural (AE) zone shall not be less than the front yard required in such Residential zone or Agricultural zone.
Flag Lots	For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.
Maximum Ground Coverage	(None specified.)
Maximum Structure Height	Forty-five feet (45').
Permitted Main Building Types	Ancillary Residential; Manufactured Home. Limited Mixed Residential - Nonresidential. Nonresidential Detached, Multiple/Group.

\*\*See, "Classifying Uses Not Specifically Mentioned in Use Type Descriptions," Section 313-165.

\*\*\*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 313-30: "Alquist-Priolo Fault Hazard" and the "Fire Safe Regulations" at Title III, Division 11.  
(Former Section CZ#A313-23(A-C))

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The following will be modified in Section 313-5.3 (CRD: Coastal Dependent Recreation)

313-5.3 CRD: Coastal-Dependent Commercial Recreation	
Principal Permitted Use	
Civic Use Types	Minor Utilities
Commercial Use Types	Coastal-Dependent <u>Commercial Recreation Principal Permitted Use</u> (See Section 313-163.1.9 for description)
	<u>Incidental Camping Area</u>
	<u>Tent Camp</u>
	<u>Temporary Recreational Vehicle Park</u>
Natural Resource Use Types	<u>Resource-Related Recreation</u>
	<u>Coastal Access Facilities</u>
Conditionally Permitted Use	
<b>Use Type</b>	
Residential Use Types	Single Family Residential
	Caretaker's Residence
Civic Use Types	Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations
	Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations
	Minor Generation and Distribution Facilities
Commercial Use Types	Visitor Serving Facilities
	Transient Habitation
	Commercial Recreation
	Recreational Vehicle Park
	<u>Incidental Camping Area</u>
	<u>Tent Camp</u>
	<u>Temporary Recreational Vehicle Park</u>
Natural Resource Use Types	Fish and Wildlife Management
	Watershed Management
	Wetland Restoration
	Boating Facilities Improvements
Use Types Not Listed in This Table**	Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the CRD zone.

\*\*See, "Classifying Uses Not Specifically Mentioned in Use Type Descriptions," Section 313-165.

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<b>313-5.3 CRD: Coastal-Dependent Commercial Recreation</b>	
<b>Development Standards</b>	
<b>Minimum Lot Size</b>	5,000 square feet.
<b>Minimum Lot Width</b>	Fifty feet (50').
<b>Maximum Lot Depth</b>	Three (3) times the lot width.
<b>Maximum Density</b>	(None specified.)
<b>Minimum Yard Setbacks***</b>	
Front	None, except that where frontage is in a block which is partially in a Residential (RS, R2, RM) zone, the front yard shall be same as that required in such Residential zone
Rear	Fifteen feet (15'), except that where a rear yard abuts an alley, such rear yard may be not less than five feet (5').
Side	None, except that a side yard of an interior lot abutting on a Residential (RS, R2, RM) zone or an Agricultural (AE) zone shall not be less than the front yard required in such Residential zone or Agricultural zone.
Flag Lots	For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.
<b>Maximum Ground Coverage</b>	(None specified.)
<b>Maximum Structure Height</b>	Forty-five feet (45').
<b>Permitted Main Building Types</b>	Ancillary Residential; Manufactured Home. Limited Mixed Residential - Nonresidential. Nonresidential Detached, Multiple/Group.

\*\*See, "Classifying Uses Not Specifically Mentioned in Use Type Descriptions," Section 313-165.

\*\*\*Note: Setbacks may be modified by other provisions of this Code or State law. For example, Section 313-30:

"Alquist-Priolo Fault Hazard" and the "Fire Safe Regulations" at Title III, Division 11.

(Former Section CZ#A313-24(A-C))

39457

The following will be amended in Section 313-6.1 (RS: Residential Single Family)

313-6.1	RS: Residential Single Family
Residential Use Types	<div>Principal Permitted Use</div> <div>Residential Single Family Residential Principal Permitted Use (See Section 313-163.1.9 for description) ✓</div>
Civic Use Types	<div>Minor Utilities</div> <div>Conditionally Permitted Use</div>
Use Type	
Residential Use Types	Manufactured Home Park; subject to the Manufactured Home Park Regulations
Civic Use Types	Guest House
	Essential Services
	Community Assembly
	Public Recreation and Open Space
	Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations
	Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations
	Minor Generation and Distribution Facilities
Commercial Use Types	Bed and Breakfast Establishments; subject to the Bed and Breakfast Establishment Regulations
	Neighborhood Commercial
	Private Institution
	Private Recreation
Commercial Timber Use Type	Timber Production
Extractive Use Type	Surface Mining - 2; subject to the Surface Mining Regulations
Natural Resource Use Type	Fish and Wildlife Management
	Watershed Management
	Wetland Restoration
	Coastal Access Facilities
Use Types Not Listed in This Table**	Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the RS zone.

\*See, Industrial Performance Standards, Section 313-103.1.

\*\*See, "Classifying Uses Not Specifically Mentioned in Use Type Descriptions," Section 313-165. (Former Section CZ#A313-16(A-C); Amended by Ord. 1853, 12/20/88)

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<b>313-6.1 RS: Residential Single Family</b>		
<b>Development Standards</b>		
<b>Minimum Lot Size and Minimum Lot Width</b>		
Zone Designation	Minimum Lot Size	Minimum Lot Width
RS-5	5,000 sq. ft.	50 feet
RS-7.5	7,500 sq. ft.	60 feet
RS-10	10,000 sq. ft.	60 feet
RS-20	20,000 sq. ft.	75 feet
RS-40	40,000 sq. ft.	150 feet
<b>Maximum Lot Depth</b>	Three (3) times the lot width.	
<b>Maximum Density</b>	Either one dwelling unit (1du) per lawfully created lot or two dwelling units (2du) per lawfully created lot if a Special Permit is secured for a second residential unit. In a manufactured home park, one dwelling unit per manufactured home lot is permitted up to the maximum density allowed by the General Plan.	
<b>Minimum Yard Setbacks***</b>		
Front	Twenty feet (20').	
Rear	Ten feet (10').	
Interior Side	Five feet (5').	
Exterior Side	Same as front or one-half (½) the front if all parts of the main building are more than twenty-five feet (25') from the rear lot line, and the exterior side yard does not abut a "collector" or "higher order street" (see, this Chapter, Section C: Index of Definitions of Language and Legal Terms). In questionable cases, the Public Works Director shall classify the subject street. A record of all streets so classified shall be maintained as a public record which is available to the public at Community Development Services and/or the Department of Public Works.	
Double Frontage Lots	Front and rear yards shall be twenty feet (20'); except that the rear yard setback may be reduced to ten feet (10') where such yard abuts an alley.	
Flag Lots	For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.	
<b>Maximum Ground Coverage</b>	Thirty-five percent (35%).	
<b>Maximum Structure Height</b>	Thirty-five feet (35').	
<b>Permitted Main Building Types</b>	Residential Single Detached; Manufactured Homes in Manufactured Home Parks. Limited Mixed Residential-Nonresidential. Nonresidential Detached or Multiple/Group.	

\*\*\*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 313-30: "Alquist-Priolo Fault Hazard" and the "Fire Safe Regulations" at Title III, Division 11.  
(Former Section CZ#A313-16(A-C); Amended by Ord. 1853, 12/20/88)

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The following will be amended in Section 313-6.2 (RM: Residential Multi- Family)

<b>313-6.2 RM: Residential Multi-Family</b>	
Residential Use Types	<b>Principal Permitted Use</b>
	<u>Residential Multi Family Residential Principal Permitted Use (See Section 313-163.1.9 for description)</u>
Civic Use Types	Group Residential Minor Utilities
<b>Use Type</b>	<b>Conditionally Permitted Use</b>
Residential Use Types	Single Family Residential where it can be shown that the property could be developed in the future with multifamily dwellings. The Hearing Officer may require submittal of a development plan which shows how the multifamily dwelling units could be sited on the property in conformance with County requirements. Manufactured Home Parks; subject to the Manufactured Home Park Regulations
Civic Use Types	Essential Services Community Assembly Non-Assembly Cultural Public Recreation and Open Space Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations
Commercial Use Types	Bed and Breakfast Establishments; subject to the Bed and Breakfast Establishment Regulations Transient Habitation Private Recreation Neighborhood Commercial Office and Professional Service Private Institution
Commercial Timber Use Type	Timber Production
Natural Resource Use Type	Fish and Wildlife Management Watershed Management Wetland Restoration Coastal Access Facilities
Use Types Not Listed in This Table**	Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the RM zone.
<b>Development Standards</b>	
<b>Minimum Lot Size</b>	5,000 square feet.
<b>Minimum Lot Width</b>	Fifty feet (50').
<b>Maximum Lot Depth</b>	Three (3) times the lot width.
<b>Maximum Density</b>	The maximum density as specified on the adopted zoning maps. A minimum of one dwelling unit (1du) per lawfully created lot is permitted, even if the specified maximum dwelling unit density is exceeded, if it meets all other development standards. The maximum density shall be calculated as the total number of dwelling units divided by the total area within the lot and within one-half of any adjacent street.

\*\*See, "Classifying Uses Not Specifically Mentioned in Use Type Descriptions," Section 313-165. (Former Section CZ#A313-14(A-C))

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<b>313-6.2 RM: Residential Multi-Family</b>	
<b>Development Standards</b>	
<b>Minimum Yard Setbacks***</b>	
Front	Twenty feet (20').
Rear	Ten feet (10').
Interior Side	Five feet (5').
Exterior Side	Same as front or one-half (½) the front if all parts of the main building are more than twenty-five feet (25') from the rear lot line, and the exterior side yard does not abut a "collector" or "higher order street" (see, this Chapter, Section C: Index of Definitions of Language and Legal Terms). In questionable cases, the Public Works Director shall classify the subject street. A record of all streets so classified shall be maintained as a public record which is available to the public at Community Development Services and/or the Department of Public Works.
Double Frontage Lots	Front and rear yards shall be twenty feet (20'), except that the rear yard setback may be reduced to ten feet (10') where such yard abuts an alley.
Flag Lots	For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.
<b>Minimum Setbacks Between Detached Multiple Unit Dwellings</b>	On building sites containing more than one (1) main detached multiple unit residential building, the following required distances between such buildings apply:
Minimum distance between buildings:	Ten feet (10').
Minimum distance between the front of any dwelling unit in a building and any other building on-site:	Twenty feet (20').
Minimum distance between the front of any dwelling unit and any side lot line:	Twelve feet (12').
Minimum distance between buildings exceeding two (2) stories:	Two foot (2') increase, over setbacks specified in this section, for each additional story.
<b>Maximum Ground Coverage</b>	Sixty Percent (60%).
<b>Maximum Structure Height</b>	Forty-five feet (45').
<b>Permitted Main Building Types</b>	Single Detached (only one dwelling per lot), Manufactured homes in manufactured home parks. Duplex, Multiple dwellings, and Multiple/Group. Limited Mixed Residential-Nonresidential. Nonresidential Detached, or Multiple/Group.

\*\*\*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 313-30: "Alquist-Priolo Fault Hazard" and the "Fire Safe Regulations" at Title III, Division 11.  
(Former Section CZ#A313-14(A-C))

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*The following will be amended in Section 313-6.3 (R2: Mixed Residential)*

313-6.3	R2: Mixed Residential
Residential Use Types	<p><b>Principal Permitted Use</b></p> <p>Single Family Residential  Multi-Family Residential (Duplex only)  Mixed Residential Principal Permitted Use (See Section 313-163.1.9 for description)</p>
Civic Use Types <b>Use Type</b> Residential Use Types	<p>Minor Utilities</p> <p><b>Conditionally Permitted Use</b></p> <p>Manufactured Home Park; subject to the  Manufactured Home Park Regulations</p> <p>Guest House  Essential Services  Community Assembly  Public Recreation and Open Space  Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations  Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations  Minor Generation and Distribution Facilities  Bed and Breakfast Establishments; subject to the Bed and Breakfast Establishment Regulations  Neighborhood Commercial  Private Institution  Private Recreation  Timber Production  Surface Mining - 2; subject to the Surface Mining Regulations  Fish and Wildlife Management  Watershed Management  Wetland Restoration  Coastal Access Facilities</p>
Civic Use Types	
Commercial Use Types	
Commercial Timber Use Type Extractive Use Type Natural Resource Use Type	
Use Types Not Listed in This Table**	Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the R2 zone.

\*See, Industrial Performance Standards, Section 313-103.1.

\*\*See, "Classifying Uses Not Specifically Mentioned in Use Type Descriptions," Section 313-165.

(Former Section CZ#A313-15(A)(1-2); Amended by Ord. 1853, 12/20/88; Amended by Ord. 1875, Sec. 2, 9/26/89)

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<b>313-6.3 R2: MIXED RESIDENTIAL</b>	
<b>Development Standards</b>	
<b>Minimum Lot Size</b>	5,000 square feet.
<b>Minimum Lot Width</b>	Fifty feet (50').
<b>Maximum Lot Depth</b>	Three (3) times the lot width.
<b>Maximum Density</b>	(None specified.)
<b>Minimum Yard Setbacks***</b>	
Front	Twenty feet (20').
Rear	Ten feet (10').
Interior Side	Five feet (5').
Exterior Side	Same as front or one-half (½) the front if all parts of the main building are more than twenty-five feet (25') from the rear lot line, and the exterior side yard does not abut a "collector" or "higher order street" (see, this Chapter, Section C: Index of Definitions of Language and Legal Terms). In questionable cases, the Public Works Director shall classify the subject street. A record of all streets so classified shall be maintained as a public record which is available to the public at Community Development Services and/or the Department of Public Works.
Double Frontage Lots	Front and rear yards shall be twenty feet (20'), except that the rear yard setback may be reduced to ten feet (10') where such yard abuts an alley.
Flag Lots	For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.
<b>Maximum Ground Coverage</b>	Thirty-five percent (35%).
<b>Maximum Structure Height</b>	Thirty-five feet (35').
<b>Permitted Main Building Types</b>	Residential Single Detached; Manufactured Homes in Manufactured Home Parks. Only one dwelling per lot or manufactured home lot except where a permit is approved to allow for a second residential unit (see, Second Residential Dwelling Unit in Section 313-87.1). Duplex. Limited Mixed Residential-Nonresidential. Nonresidential Detached or Multiple/Group.

\*\*\*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 313-30: "Alquist-Priolo Fault Hazard" and the "Fire Safe Regulations" at Title III, Division 11.

(Former Section CZ#A313-15(A)(1-2); Amended by Ord. 1853, 12/20/88; Amended by Ord. 1875, Sec. 2, 9/26/89)

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The following will be amended in Section 313-6.4 (RA: Rural Residential Agricultural)

<b>313-6.4 RA: Rural Residential Agriculture</b>	
	<b>Principal Permitted Use</b>
Residential Use Types	Single Family Residential Rural Residential Agricultural Principal Permitted Use (See Section 313-163.1.9 for description)
Civic Use Types	Minor Utilities
Agricultural Use Types	General Agriculture
<b>Use Type</b>	<b>Conditionally Permitted Use</b>
Residential Use Types	Guest House
Civic Use Types	Essential Services
	Community Assembly
	Public Recreation and Open Space
	Solid Waste Disposal; subject to the Solid Waste Disposal Regulations
	Oil and Gas Pipelines; subject to the Oil and Gas Pipeline Regulations
	Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations
	Minor Generation and Distribution Facilities
Commercial Use Types	Neighborhood Commercial
	Bed and Breakfast Establishment; subject to the Bed and Breakfast Establishment Regulations
	Private Recreation
Agricultural Use Types	Stables and Kennels
	Intensive Agriculture
Commercial Timber Use Type	Timber Production
Extractive Use Type	Surface Mining - 2; subject to the Surface Mining Regulations
Natural Resource Use Types	Fish and Wildlife Management
	Watershed Management
	Wetland Restoration
	Coastal Access Facilities
Use Types Not Listed in This Table**	Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the RA zone.

\*See, Industrial Performance Standards, Section 313-103.1.

\*\*See, "Classifying Uses Not Specifically Mentioned in Use Type Descriptions," Section 313-165.

(Former Section CZ#A313-17(A-C); Amended by Ord. 1853, 12/20/88)

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<b>313-6.4 RA: RURAL RESIDENTIAL AGRICULTURE</b>		
<b>Development Standards</b>		
<b>Minimum Lot Size and Minimum Lot Width</b>		
Zone Designation	Minimum Lot Size	Minimum Lot Width
RA -1	1.0 acres	150 feet
RA -2	2.0 acres	175 feet
RA -2.5	2.5 acres	175 feet
RA -5	5.0 acres	250 feet
RA -10	10.0 acres	350 feet
RA -20	20.0 acres	475 feet
RA -40	40.0 acres	750 feet
<b>Maximum Lot Depth</b>	Four (4) times the lot width.	
<b>Maximum Density</b>	Either one dwelling unit (1du) per lawfully created lot or two dwelling units (2du) per lawfully created lot if a Special Permit is secured for a second residential unit.	
<b>Minimum Yard Setbacks***</b>	<b>Minimum Lot Size Less Than 2.5 Acres</b>	<b>Minimum Lot Size 2.5 Acres or Greater</b>
Front	Twenty feet (20')	Twenty feet (20'); Thirty feet (30') for flag lots
Rear	Ten feet (10')	Thirty feet (30')
Interior Side	Five feet (5')	Thirty feet (30')
Exterior Side	Twenty feet (20')	Twenty feet (20')
Flag Lots	For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.	For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.
Double Frontage Lots	Front and rear yards shall be twenty feet (20'), except that the rear yard setback may be reduced to ten feet (10') where such yard abuts an alley.	Front and rear yards shall be twenty feet (20'), except that the rear yard setback may be reduced to ten feet (10') where such yard abuts an alley.
<b>Maximum Ground Coverage</b>	Thirty-five percent (35%)	
<b>Maximum Structure Height</b>	Thirty-five feet (35').	
<b>Permitted Main Building Types</b>	Residential Single Detached Limited Mixed Residential - Nonresidential Nonresidential Detached or Multiple/Group	

\*\*\*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 313-30: "Alquist-Priolo Fault Hazard" and the "Fire Safe Regulations" at Title III, Division 11. (Former Section CZ#A313-17(A-C); Amended by Ord. 1853, 12/20/88)

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The following will be amended in Section 313-7.1 (AE: Agricultural Exclusive)

313-7.1	AE: Agriculture Exclusive
Residential Use Types	<p align="center"><b>Principal Permitted Use</b></p> <p><del>Single Family Residential. On lots sixty acres (60a) or larger in size, two single detached dwellings are permitted.</del></p>
Civic Use Types	Minor Utilities
Agricultural Use Types	General Agriculture
	<u>Agricultural Exclusive Principal Permitted Use (See Section 313-163.1.9 for description)</u>
Commercial Timber Use Type	Timber Production
<b>Use Type</b>	<p align="center"><b>Conditionally Permitted Use</b></p>
Residential Use Types	Guest House
	Farm Employee Housing
	Labor Camp
	Second Agriculture or Commercial Timber Production Residence (on a lot less than sixty acres (60a) in size)
	Single Family Residential (a Use Permit is required on a lot less than sixty acres (60a) in size for a second single detached dwelling)
Civic Use Types	Essential Services
	Solid Waste Disposal; subject to the Solid Waste Disposal Regulations
	Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations
	Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations
	Minor Generation and Distribution Facilities
Industrial Use Types*	Aquaculture, allowed within non-prime agricultural lands only
Agricultural Use Types	Hog Farming
	Feed Lots/Slaughter House
	Kennels
	Agriculture-Related Recreation
	Intensive Agriculture
Extractive Use Types	Oil and Gas Drilling and Processing; subject to the Oil and Gas Drilling and Processing Regulations
	Surface Mining - 2; subject to the Surface Mining Regulations
	Surface Mining - 3; subject to the Surface Mining Regulations
	Metallic Mineral Extraction; subject to the Surface Mining Regulations
Natural Resource Use Types	Fish and Wildlife Management
	Watershed Management
	Wetland Restoration
	Resource-Related Recreation
	Coastal Access Facilities
Use Types Not Listed in This Table**	Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the AE zone.

\*See, Industrial Performance Standards, Section 313-103.1.

\*\*See, "Classifying Uses Not Specifically Mentioned in Use Type Descriptions," Section 313-165.

(Former Section CZ#A313-29(A-C); Amended by Ag Zone ordinance amendments approved by the Humboldt County Board of Supervisors 2/9/99)

48457

313-7.1 AE: AGRICULTURE EXCLUSIVE		
Development Standards		
Minimum Lot Size and Minimum Lot Width		
Zone Designation	Minimum Lot Size	Minimum Lot Width
AE-20	20 acres	(As determined during subdivision review and approval.)
AE-40	40 acres	
AE-60	60 acres	
AE-160	160 acres	
AE-600	600 acres	
Maximum Lot Depth	(None specified.)	
Maximum Density	(None specified.)	
Minimum Yard Setbacks***		
Front	Twenty feet (20'); Thirty feet (30') for flag lots.	
Rear	Thirty feet (30').	
Interior Side	Thirty feet (30').	
Exterior Side	Twenty feet (20').	
Flag Lots	For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.	
Double Frontage Lots	Front and rear yards shall be twenty feet (20'), except that the rear yard setback may be reduced to ten feet (10') where such yard abuts an alley.	
Maximum Ground Coverage	(None specified.)	
Maximum Structure Height	(None specified.)	
Permitted Main Building Types	Residential Single Detached; Ancillary Residential, Manufactured Home; Unlimited Mixed Residential - Nonresidential Detached Nonresidential	

\*\*\*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 313-30: "Alquist-Priolo Fault Hazard" and the "Fire Safe Regulations" at Title III, Division 11.

(Former Section CZ#A313-29(A-C); Amended by Ag Zone ordinance amendments approved by the Humboldt County Board of Supervisors 2/9/99)

49457

The following will be amended in Section 313-7.2 (TC: Commercial Timber)

313-7.2	TC: Commercial Timber
<del>Residential Use Types</del> <del>Civic Use Types</del> <del>Agricultural Use Types</del> <del>Commercial Timber Use Type</del>	<b>Principal Permitted Use</b> Single Family Residential Minor Utilities General Agriculture Timber Production <u>Commercial Timber Principal Permitted Use (See Section 313-163.1.9 for description)</u>
<b>Use Type</b> Residential Use Types Civic Use Types Industrial Use Types* Agricultural Use Types Extractive Use Type Natural Resource Use Type Use Types Not Listed in This Table**	<b>Conditionally Permitted Use</b> Single Family Residential. A Use Permit is required for a second single family residence. Essential Services Solid Waste Disposal; subject to the Solid Waste Disposal Regulations Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations Minor Generation and Distribution Facilities Timber Products Processing Aquaculture Cottage Industry; subject to the Cottage Industry Regulations Agricultural Related Recreation Surface Mining - 2; subject to the Surface Mining Regulations Oil and Gas Drilling and Processing; subject to the Oil and Gas Drilling and Processing Regulations Metallic Mineral Extraction; subject to the Surface Mining Regulations Coastal Access Facilities Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the TC zone.
<b>Use Type</b> Residential Use Types Commercial Timber Use Type Natural Resource Use Types	<b>Compatible Uses Permitted with a Special Permit</b> Labor Camp Timber Related Recreation Fish and Wildlife Management Watershed Management Wetland Restoration

\*See, Industrial Performance Standards, Section 313-103.1.

\*\*See, "Classifying Uses Not Specifically Mentioned in Use Type Descriptions," Section 313-165.

(From Section CZ#A314-11(B); CZ#A313-30(A-C); Amended by Ord. 1853, 12/20/88)

50457

313-7.2 TC: COMMERCIAL TIMBER	
Development Standards	
Minimum Lot Size	Forty acres (40a).
Minimum Lot Width	(As determined during subdivision review and approval).
Maximum Lot Depth	(None specified.)
Maximum Density	(None specified.)
Maximum Total Conversion of Timberland for Non-Timber Production Uses	Two acres (2a) of contiguous or non-contiguous land.
Minimum Yard Setbacks***	
Front	Twenty feet (20'); Thirty feet (30') for flag lot.
Rear	Thirty feet (30').
Interior Side	Thirty feet (30').
Exterior Side	Twenty feet (20').
Flag Lots	For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.
Double Frontage Lots	Front and rear yards shall be twenty feet (20'), except that the rear yard setback may be reduced to ten feet (10') where such yard abuts an alley.
Maximum Ground Coverage	(None specified.)
Maximum Structure Height	Thirty-five feet (35').
Permitted Main Building Types	Residential Single Detached; Ancillary Residential; Manufactured Home. Detached Nonresidential

\*\*\*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 313-30: "Alquist-Priolo Fault Hazard" and the "Fire Safe Regulations" at Title III, Division 11.  
(From Section CZ#A314-11(B); CZ#A313-30(A-C); Amended by Ord. 1853, 12/20/88)

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The following will be amended in Section 313-7.3 (TPZ: Timberland Production Zone)

313-7.3 TPZ: Timberland Production Zone	
<b>Principal Permitted Use</b>	
<del>Residential Use Types</del>	Single Family Residential
<del>Civic Use Types</del>	Minor Utilities
<del>Commercial Timber Use Types</del>	Timber Production <u>Principal Permitted Use (See Section 313-163.1.9 for description)</u>
<b>Use Type</b>	<b>Conditionally Permitted Use</b>
Residential Use Types	Single Family Residential. A Use Permit is required for a second single family residence.
Civic Use Types	Essential Services
	Solid Waste Disposal; subject to the Solid Waste Disposal Regulations
	Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations
	Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations
	Minor Generation and Distribution Facilities
Industrial Use Types*	Timber Products Processing
	Aquaculture
	Cottage Industry; subject to the Cottage Industry Regulations
Agricultural Use Types	Agriculture-Related Recreation
Extractive Use Type	Surface Mining - 2; subject to the Surface Mining Regulations
	Oil and Gas Drilling and Processing; subject to the Oil and Gas Drilling and Processing Regulations
	Coastal Access Facilities
Natural Resource Use Type	Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the TPZ zone.
Use Types Not Listed in This Table**	<b>Compatible Uses Permitted with a Special Permit</b>
<b>Use Type</b>	Labor Camp
Residential Use Types	Timber Related Recreation
Commercial Timber Use Type	Fish and Wildlife Management
Natural Resource Use Types	Watershed Management
	Wetland Restoration

\*See, Industrial Performance Standards, Section 313-103.1.

\*\*See, "Classifying Uses Not Specifically Mentioned in Use Type Descriptions," Section 313-165.  
(Former Section CZ#A313-31(A-C); Section CZ#A314-11(B); Amended by Ord. 1853, 12/20/88)

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<b>313-7.3 TPZ: TIMBERLAND PRODUCTION ZONE</b>	
<b>Development Standards</b>	
<b>Minimum Lot Size</b>	Forty acres (40a).
<b>Minimum Lot Width</b>	(As determined during subdivision review and approval).
<b>Maximum Lot Depth</b>	(None specified.)
<b>Maximum Density</b>	(None specified.)
<b>Maximum Total Conversion of Timberland for Non-Timber Production Uses</b>	Two acres (2a) of contiguous or non-contiguous land.
<b>Minimum Yard Setbacks***</b>	
Front	Twenty feet (20'); Thirty feet (30') for flag lots.
Rear	Thirty feet (30').
Interior Side	Thirty feet (30')
Exterior Side	Twenty feet (20')
Flag Lots	For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.
Double Frontage Lots	Front and rear yards shall be twenty feet (20'), except that the rear yard setback may be reduced to ten feet (10') where such yard abuts an alley.
<b>Maximum Ground Coverage</b>	(None specified.)
<b>Maximum Structure Height</b>	Thirty-five feet (35').
<b>Permitted Main Building Types</b>	Residential Single Detached; Ancillary Residential; Manufactured Home. Detached Nonresidential.

\*\*\*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 313-30: "Alquist-Priolo Fault Hazard" and the "Fire Safe Regulations" at Title III, Division 11.

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***The following will be amended in Section 313-162 (Purpose of Use Type and Principal Permitted Use Classifications)***

313-162      PURPOSE OF USE TYPE AND PRINCIPAL PERMITTED USE CLASSIFICATIONS

The purpose of these provisions is to classify uses of property into a limited number of use types and principal permitted uses on the basis of common functional, product, or compatibility characteristics. The desired result is to provide a basis for regulation of uses in accordance with criteria which are directly relevant to the public interest. These provisions apply throughout the County. (Former Section CZ#A313-1)

313-163      LISTING OF USE TYPE AND PRINCIPAL PERMITTED USE CLASSIFICATIONS

163.1      All uses are classified into the following use types and principal permitted uses. Use types are described and defined in Section D, Part 2: Glossary of Use Types. (Former Section CZ#A313-2)

163.1.1      **Agricultural Use Types.**

- Agriculture-Related Recreational
- Feed Lot/Slaughter House
- General Agriculture
- Hog Farming
- Intensive Agriculture
- Stables and Kennels
- (Former Section CZ#A313-2(E))

163.1.2      **Civic Use Types.**

- Administrative
- Community Assembly
- Cultural Non-Assembly
- Electrical Distribution Lines, Major
- Essential Services
- Extensive Impact Civic Uses
- Generation and Distribution Facilities, Minor
- Health Care Services
- Oil and Gas Pipelines
- Public Recreation and Open Spaces
- Solid Waste Disposal
- Utilities, Minor
- (Former Section CZ#A313-2(B))

163.1.3      **Commercial Use Types.**

- Automotive Sales, Service and Repair
- Bed and Breakfast Establishment
- Coastal-Dependent Commercial Recreation
- Commercial Recreation
- Heavy Commercial
- Neighborhood Commercial
- Office and Professional Service
- Private Institution
- Private Recreation
- Recreational Vehicle Park
- Retail Sales
- Retail Service
- Transient Habitation
- Visitor Serving Facilities
- Warehousing, Storage and Distribution
- (Former Section CZ#A313-2(C))

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**163.1.4 Commercial Timber Use Types.**

Timber Production  
Timber Related Recreation  
(Former Section CZ#A313-2(F))

**163.1.5 Extractive Use Types.**

Metallic Mineral Extraction  
Oil and Gas Drilling and Processing  
Surface Mining - 1  
Surface Mining - 2  
Surface Mining - 3  
(Former Section CZ#A313-2(G))

**163.1.6 Industrial Use Types.**

Aquaculture  
Coastal-Dependent  
Coastal-Related  
Cottage Industry  
Hazardous Industrial  
Heavy Industrial  
Research/Light Manufacturing  
Timber Products Processing  
(Former Section CZ#A313-2(D))

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**163.1.7 Natural Resource Use Types.**

Boating Facilities  
Fish and Wildlife Habitat Management  
Coastal Public Access Facilities  
Resource-Related Recreational  
Watershed Management  
Wetland Restoration  
(Former Section CZ#A313-2(H))

**163.1.8 Residential Use Types.**

Caretaker's Residence  
Community Care Facility  
Family Day Care Center  
Family Day Care Home  
Farm Employee Housing  
Group Residential  
Guest House  
Labor Camp  
Manufactured Home Park Development  
Multi Family Residential  
Residence Incidental to Agriculture or Commercial  
Timber Production (See, Agriculture or Commercial Zoning  
Designations, Principal Permitted Uses.)  
Second Agriculture or Commercial Timber Production Residence  
(See, Agriculture or Commercial Zoning Designations,  
Principal Permitted Uses.)  
Second Residential Unit (See also, Second Dwelling Unit, Secondary Dwelling Unit)  
Single Family Residential  
(Former Section CZ#A313-2(A))

**163.1.9 Principal Permitted Uses.** These are uses that are allowed without a conditional use permit and that are considered the "principal permitted use" for purposes of appeal to the Coastal Commission. Subdivisions, including lot line adjustments, are not considered a principal permitted use in any zoning district for purposes of appeal to the Coastal Commission.

**163.1.9.1 Neighborhood Commercial**

The Neighborhood Commercial Principal Permitted Use includes the following uses: Neighborhood Commercial, Cottage Industry; subject to the Cottage Industry Regulations, Caretaker's Residence which is incidental to and under the same ownership as an existing commercial use, and Minor Utilities to serve these uses.

**163.1.9.2 Public Recreation**

The Public Recreation Principally Permitted Use includes the following uses: Public Recreation and Open Space, Coastal Access Facilities, and Minor Utilities to serve these uses

**163.1.9.3 Commercial Recreation**

The Commercial Recreation Principally Permitted Use includes the following uses: Visitor Serving Facilities, Transient Habitation, Commercial Recreation, Coastal Dependent Recreation, Resource Related Recreation, Coastal Access Facilities, and Minor Utilities to serve these uses

**163.1.9.4 Coastal Dependent Commercial Recreation**

The Coastal Dependent Commercial Recreation Principally Permitted Use includes the following uses: Coastal Dependent Recreation, Resource-Related Recreation, Coastal Access Facilities, and Minor Utilities to serve these uses.

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**163.1.9.5 Residential Single Family**

The Residential Single Family Principally Permitted Use includes the following uses: Single Family Residential, Second Residential Unit, Cottage Industry; subject to the Cottage Industry Regulations, and Minor Utilities to serve these uses.

**163.1.9.6 Residential Multi Family**

The Residential Multi Family Principally Permitted Use includes the following uses: Multi Family Residential, Group Residential, and Minor Utilities to serve these uses.

**163.1.9.7 Mixed Residential**

The Mixed Residential Principally Permitted Use includes the following uses: Single Family Residential, Multi Family Residential (Duplex only), Cottage Industry; subject to the Cottage Industry Regulations, and Minor Utilities to serve these uses.

**163.1.9.8 Rural Residential Agricultural**

The Rural Residential Agricultural Principally Permitted Use includes the following uses: Single Family Residential, Second Residential Unit, General Agriculture, Cottage Industry; subject to the Cottage Industry Regulations, and Minor Utilities to serve these uses.

**163.1.9.9 Agricultural Exclusive**

The Agricultural Exclusive Principally Permitted Use includes the following uses: Single Family Residential (on lots sixty (60) acres or larger in size, two single detached dwellings are permitted), General Agriculture, Timber Production, Cottage Industry; subject to the Cottage Industry Regulations, and Minor Utilities to serve these uses.

**163.1.9.10 Commercial Timber**

The Commercial Timber Principally Permitted Use includes the following uses: Single Family Residential, General Agriculture, Timber Production, Cottage Industry; subject to the Cottage Industry Regulations, and Minor Utilities to serve these uses.

**163.1.9.11 Timber Production**

The Timber Production Principally Permitted Use includes the following uses: Single Family Residential, Timber Production, Cottage Industry; subject to the Cottage Industry Regulations, and Minor Utilities to serve these uses.

**313-164 HOW TO DETERMINE AND CLASSIFY ALLOWED USES WHEN MORE THAN ONE USE TYPE MIGHT APPLY**

The following rules shall apply when a lot or building site contains multiple uses which constitute or resemble two or more different use types, and which are not classified as accessory uses pursuant to the Accessory Use Regulations. (Former Section CZ#A313-3)

- 164.1 **Separate Classifications of Several Establishments.** The ~~principal~~ uses conducted on a lot by two or more individual establishments, managements, or institutions shall be classified separately into use types. (Former Section CZ#A313-3(A))

- 164.2 **Classification and Limitation of Different Uses Within Same Category of Use Types Conducted by Individual Establishment.** If ~~principal~~ uses conducted on a lot by an individual establishment, management, or institution resemble two or more different use types within the same category of use types, all such ~~principal~~ uses shall be classified in the use type whose description most closely portrays the overall nature of such uses. However, when the ~~principal~~ uses have any of the characteristics of the following listed use types, all such ~~principal~~ uses shall be classified in one of the use types on the following list.

Extensive Impact Civic Uses  
General/Heavy Manufacturing  
Hazardous Industrial  
Oil and Gas Drilling and Processing

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## CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE  
710 E STREET • SUITE 200  
EUREKA, CA 95501-1865  
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EUREKA, CA 95502-4908



Hearing Date: February 9, 2006  
Adopted Findings: February 22, 2006  
Commission Action: **Approved with  
Suggested Modifications, February 9, 2006**

ADOPTED FINDINGS

TO: COMMISSIONERS AND INTERESTED PARTIES

FROM: Peter Douglas, Executive Director  
Robert S. Merrill, North Coast District Manager  
Tiffany S. Tauber, Coastal Planner

SUBJECT: **County of Humboldt LCP Amendment No. HUM-MAJ-1-99-B  
(Housing Element)**

**EXHIBIT NO. 2****APPLICATION NO.**

HUM-MAJ-2-06

HUMBOLDT COUNTY LCP  
AMENDMENTHUM-MAJ-1-99-B ADOPTED  
FINDINGS (1 of 224)**STAFF NOTE:**Adopted Findings

The Commission completed its action on LCP Amendment No. HUM-MAJ-1-99-B (Housing Element) at its February 9, 2006 public hearing. By unanimous votes, the Commission (1) denied the proposed Land Use Plan amendment as submitted, (2) certified the Land Use Plan amendment with suggested modifications, (3) denied the proposed Implementation Plan amendment as submitted, and (4) certified the Implementation Plan amendment with suggested modifications. The Commission completed its action in accordance with the written staff recommendation dated January 27, 2006 as modified by the Addendum dated February 8, 2006 that was presented at the hearing. The following resolution, conditions, and findings were adopted by the Commission on February 9, 2006 upon conclusion of the public hearing.

## **SYNOPSIS:**

### **Description of Proposed LCP Amendment:**

The proposed Humboldt County LCP amendment stems from a comprehensive update of the Housing Element portion of the County's General Plan, which identifies housing needs in the unincorporated areas of the County and directs the implementation of programs to address those housing needs. According to the County, the purpose of the proposed LCP amendment is to facilitate the accommodation of current and future housing needs and to comply with State law regarding affordable housing. Accordingly, the amendment proposes to incorporate provisions for allowing density bonuses pursuant to the requirements of Government Code Section 65915. The amendment would also increase the separate existing allowable density bonus for projects providing extraordinary public benefits in Planned Unit Development (PUD) districts from 20% to 25% and include revised design guidelines for PUDs. The amendment also involves various changes to provisions regarding different types of residential uses throughout the County and associated permit requirements to encourage more affordable housing and to better meet housing needs of all segments of the County's population. Accordingly, the amendment intends to encourage less expensive housing development by reducing permit requirements and development standards for certain types of development.

The proposed amendment would make changes to the six area plans of the Land Use Plan to allow for density bonuses for affordable housing projects and planned unit developments. The amendment proposes to make a number of significant changes to the Coastal Zoning Ordinance.

In brief, the proposed amendment includes as follows:

#### **Density Bonus and Planned Unit Development (LUP)**

The proposed LUP amendment would add a new section to the Introduction of the "Standards for Plan Designations" section in each of the six Area Plans that would allow for density ranges in land use designations to be exceeded (1) to encourage affordable housing pursuant to Government Code Section 65915, and (2) within Planned Unit Developments (PUD) consistent with existing PUD policies in the LCP.

#### **De Minimus Waivers**

The proposed amendment would allow the Planning Director to issue de minimus waivers for certain types of development that (1) are consistent with the zoning ordinance, and (2) involve no potential for any adverse effect, either individually or cumulatively on coastal resources or public access to coastal resources where acquired through use or legislative authorization. The amendment includes a list of development types proposed by the County for which coastal permit requirements would be waived and includes, in part: small retaining walls, demolition of non-historic structures, test wells, wetland restoration, removal of contaminated backfill, and property mergers.



#### Cottage Industries

The proposed amendment to the Cottage Industry provisions would (1) set forth additional performance standards for cottage industries to distinguish between cottage industries that require a coastal development permit and those that do not, and (2) move cottage industries from a conditionally permitted use to a principal permitted use in all of the zones where they are currently allowed.

#### Residential Density Bonus Ordinance

The proposed amendment would incorporate the density bonus provisions mandated by Government Code Section 65915 regarding affordable housing. Currently, the certified Coastal Zoning Ordinance does not contain density bonus provisions for affordable housing. As proposed, the amendment would allow a minimum 25% increase over the maximum allowable density (with fractions rounded up) when a developer agrees to construct at least 20% of the total units in a housing development for low or moderate income households or 10% of the total units for lower-income households, or to construct a senior housing project.

#### Design Review

The proposed amendment would (1) change the Special Permit requirement to a coastal development permit, and (2) exempt certain additions to existing structures from coastal permit and design review requirements including (1) minor additions to existing structures provided that they meet certain area and height limitations and are not located in a sensitive coastal resource area, and (2) the installation or removal of windows, doors, or siding material provided that new siding material is non-reflective.

#### Special Occupancy Parks

The proposed amendment would change the existing Recreational Vehicle provisions to apply to Special Occupancy Parks, which by definition include Recreational Vehicle Parks, Temporary Recreational Vehicle Parks, Incidental Camping Areas, and Tent Camps. The amendment would make changes and additions to the definitions section of the Coastal Zoning Ordinance, and other related sections, to include various changes to the definitions of commercial recreation uses (i.e., types of camping), associated changes to permitted uses in certain zoning districts, and some modifications to the criteria for approving these various uses. According to the County, the proposed zoning ordinance changes are intended to help accommodate nomadic housing consistent with State law.

#### Planned Unit Developments

The amendment would make changes to the provisions regarding Planned Unit Developments (PUD) to (1) increase the allowable density standard from 20% to a maximum of 25% for those developments incorporating extraordinary public benefits, (2) add additional residential density standards, and (3) provide updated and more thorough design guidelines.

#### Second Residential Units

The proposed amendment would (1) allow second residential units as a principal permitted use in the Residential Single Family (RS) and Rural Residential Agriculture

(RA) zoning districts, (2) make changes to permit requirements and development criteria, and (3) add additional supplemental findings required to be made when approving a second residential unit.

#### Home Occupations

The amendment would make changes to the provisions regarding Home Occupations to allow for modifications or waivers of Home Occupation standards including location, entry access, physical alterations, and the number of employees upon obtaining a coastal development permit.

The proposed amendment also includes several minor additional changes to the Coastal Zoning Ordinance that do not raise issues of conformance of the Implementation Plan with or its adequacy to carry out and implement the Land Use Plan. These miscellaneous amendments include:

- Reducing permit requirements for caretakers apartments in commercial areas;
- Eliminating the requirement that duplexes be built side-by-side;
- Allowing parkland dedication fees for second units to be paid upon construction of the second unit;
- Clarifying when single-family homes can be allowed on multi-family zoned lots.

A copy of the County's proposed amendment with the full text is included at the end of this report as Attachment A.

#### Analysis Criteria:

The relationship between the Coastal Act and a local government's Local Coastal Program can be described as a three-tiered hierarchy with the Coastal Act setting generally broad statewide policies. The Land Use Plan (LUP) portion of the LCP incorporates and refines Coastal Act policies for the local jurisdiction, giving guidance as to the kinds, locations, and intensities of coastal development. The Implementation Program (IP), or zoning portion of an LCP typically sets forth zone districts and site regulations which are the final refinement specifying how coastal development is to proceed on a particular parcel. The LUP must be consistent with the Coastal Act. The IP must conform with, and be adequate to carry out the policies of the LUP.

In this case, the proposed LCP amendment affects both the LUP and IP components of the Humboldt County LCP. The LUP portion of Humboldt County's LCP consists of six (6) Area Plans, including by area from north to south: (1) North Coast, (2) Trinidad, (3) McKinleyville, (4) Humboldt Bay, (5) Eel River, and (6) South Coast. The proposed LCP amendment would effectuate changes to all six area plans of the LUP and to the Coastal Zoning Regulations.

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**I. RESOLUTIONS FOR LCP AMENDMENT NO. HUM-MAJ-1-99-B**

**RESOLUTION TO DENY CERTIFICATION OF THE LAND USE PLAN AS SUBMITTED:**

The Commission hereby denies certification of the Land Use Plan Amendment No. HUM-MAJ-1-99-B as submitted by the County of Humboldt and adopts the findings set forth below on the grounds that the land use plan amendment does not conform with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the land use plan amendment may have on the environment.

**RESOLUTION TO CERTIFY WITH SUGGESTED MODIFICATIONS:**

The Commission hereby certifies Land Use Plan Amendment No. HUM-MAJ-1-99-B for the County of Humboldt if modified as suggested and adopts the findings set forth below on the grounds that the land use plan amendment with suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment if modified as suggested complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the land use plan amendment on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the land use plan amendment may have on the environment.

**RESOLUTION TO DENY CERTIFICATION OF THE IMPLEMENTATION PLAN AS SUBMITTED:**

The Commission hereby denies certification of the Implementation Plan Amendment No. HUM-MAJ-1-99-B on the grounds that, as submitted, it does not conform with and is inadequate to carry out the provisions of the Land Use Plan as certified. There are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse impact, within the meaning of CEQA that the approval of the Implementation Program would have on the environment.

**RESOLUTION TO CERTIFY THE IMPLEMENTATION PROGRAM AMENDMENT WITH SUGGESTED MODIFICATIONS:**

The Commission hereby certifies Implementation Program Amendment No. HUM-MAJ-1-99-B for the County of Humboldt, if modified as suggested and adopts the

findings set forth below on grounds that the Implementation Program with the suggested modifications will conform with, and be adequate to carry out, the provisions of the certified Land Use Plan as amended. Certification of the Implementation Program if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

## II. SUGGESTED MODIFICATIONS

### Key for County Amendment and Commission Modification Language

The Suggested Modifications proposed by the Commission are set forth below. A copy of the full text of the County's proposed LCP amendment is included as an attachment at the end of the report, showing in double underline and single strikethrough how the County's proposals would alter the existing LCP text. In this section and throughout the staff report, however, the text can be read as follows:

- Existing LCP language is shown in plain type;
- Language added by the County is shown in underline;
- Language deleted by the County is shown in ~~strikethrough~~;
- Language added by the Commission is shown in **bold double underline**;
- Language deleted by the Commission is shown in ~~double strikethrough~~.

Note also that in cases where a Suggested Modification alters the numbering sequence of a policy section, it is implied that the section would be renumbered accordingly.

### A. SUGGESTED MODIFICATIONS TO THE LAND USE PLAN:

#### Suggested Modification No. 1 (Density Bonus and Planned Unit Development):

Modify the following language proposed by the County as new Section 5.15 in the Eel River, South Coast, McKinleyville, and North Coast Area Plans, as new Section 4.15 in the Trinidad Area Plan, and as a new paragraph to existing Section 4.10 in the Humboldt Bay Area Plan with modifications as follows:

#### DENSITY BONUSES AND PLANNED UNIT DEVELOPMENTS

Density ranges described in land use designations may be exceeded by a minimum of 25% and a maximum of 35% to encourage affordable housing production pursuant to §65915 of the California Government Code (Density Bonuses) in effect in 2005. Any housing development approved pursuant to Government Code Section 65915 shall be consistent with all applicable certified local coastal program policies and development standards. In reviewing a proposed density increase, the County shall identify all feasible means of accommodating the density increase and consider the effects of such means on coastal resources. The County shall only grant a density increase if the County determines that the means of accommodating the density increase proposed by the applicant does not have an adverse effect on coastal resources. If, however, the County determines that the means for accommodating the density increase proposed by the applicant will have an adverse effect on coastal resources, the County shall not grant the density increase. Density ranges may also be exceeded within Planned Unit Development (PUD's) up to 25% if increasing the density would not have an adverse effect on coastal resources and would be consistent with all applicable local coastal program policies and development standards. The 25% density bonus limit for PUDs is the maximum density bonus permitted; it may not be combined with any other density bonus allowed by County or State regulations if densities greater than 25% would result. Also a variety of housing types and a mixture of residential and commercial uses may be allowed to encourage affordable housing production under the provisions of State law referenced above, and in PUD's to encourage the provision of extraordinary public benefits within subdivisions.

**Suggested Modification No. 2 (Planned Unit Development):**

Add the following language to the existing Planned Unit Development sections of the six Area Plans:

**D. PLANNED UNIT DEVELOPMENT**

1. It shall be the policy of the County to encourage the Planned Unit Development (PUD) concept. Where such utilization would provide extraordinary benefits to the community and to the County, such as: dedications of open space and public access, protection of visual resources and sensitive habitats beyond that already required in Sections 3.41 and 3.42, incentives may include increases of up to 20% 25% over planned densities if increasing the density would not have an adverse effect on coastal resources and would be consistent with all applicable local coastal program policies and development standards. The 25% density bonus limit for PUDs is the maximum density bonus permitted; it may not be combined with any other density bonus allowed by County or State regulations if densities greater than 25% would result.

**B. SUGGESTED MODIFICATIONS TO THE IMPLEMENTATION PLAN**

**Suggested Modification No. 3 (Formatting)**

Section numbers shall be consistent with the section numbers as revised by Coastal Zoning Ordinance formatting LCP Amendment No. HUM-MAJ-1-00 (Part A) approved by the Coastal Commission on December 15, 2000.

**Suggested Modification No. 4 (De Minimus Waivers)**

Revise the proposed definition of De Minimus Waiver as follows:

De Minimus Waiver. The waiver of some coastal development permit requirements for development that 1) is consistent with the **certified LCP** ~~zoning ordinance~~, and 2) involves no potential for any adverse effect; either individually or cumulatively on coastal resources or public access to coastal resources where acquired through use or legislative authorization.

**Suggested Modification No. 5 (De Minimus Waivers)**

Revise proposed Section A315-28 as follows:

Section A315-28 DE MINIMUS WAIVERS FROM PERMIT REQUIREMENTS

A. Applicability. The procedural requirements of this chapter may be waived by the Planning Director to simplify the review of ~~small~~ projects that **involve no potential for any adverse effects, either individually or cumulatively, on coastal resources and that are consistent with the certified LCP.** ~~will have no adverse impacts on coastal resources.~~

B. Criteria for Waiver of Procedures.

The procedural requirements of this Chapter may be waived by the Planning Director to allow the following development:

Construction of retaining walls less than 4 feet in height with a maximum surface area of 100 square feet,

Demolition of non-historic structures,

Placement of private test water supply wells,

"One for one" replacement or abandonment of minor utilities,

Repair and replacement work associated with underground and above ground storage tanks,

~~Wetland restoration,~~

~~Removal of contaminated backfill and contaminated soil,~~

Installation of monitoring wells, vadose wells, temporary well points, and vapor points, and

Merger of property.

**Suggested Modification No. 6 (De Minimus Waivers):**

Revise proposed Section A315-28(D)(5) and (6) as follows:

(5) At the time a Notice of Intent To Issue A de Minimus Waiver is provided to the public, the Planning Director shall also report to the referral agencies and each Planning Commission member the project description, recommended action, ~~conditions of approval~~, and findings for each project under review pursuant to this section. A copy of the report shall also be available for public inspection at the Planning Department ten (10) calendar days prior to issuing the waiver.

(6) Notice of final action on an application for a de Minimus waiver shall be given as follows:

...

(c) The notice shall include the following information:

- (i) The action taken,
- (ii) The effective date and expiration date,
- (iii) Written findings,
- ~~(iv) Conditions of approval;~~
- ~~(v) Procedures of appeal if applicable.~~

**Suggested Modification No. 7 (De Minimus Waivers):**

Revise proposed section A315-28(E)(a) and (e) as follows:

E. Findings. De Minimus Waivers may only be issued for development that meets all of the following criteria:

- (a) The proposed development is in conformance with the **certified LCP County General Plan;**

...

(e) The proposed development involves no potential for any adverse effects, either individually or cumulatively on coastal resources ~~because~~ for reasons including, but not limited to, the following:

- The project does not involve the presence of mechanized equipment or construction materials within 50 feet of an environmentally sensitive habitat area, or any sand area; or within 50 feet of coastal waters or streams,
- Within designated coastal view and coastal scenic areas, the project has no potential to impair visual resources,
- There is no potential for the project to block or otherwise impede the public right of access to the coast where acquired through use or by legislative authorization, and,
- The project does not require any discretionary permits.
- The project does not have any impact on public access to coastal resources where acquired through use, legislative authorization, easements or deed restrictions.

**Suggested Modification No. 8 (Cottage Industries):**

Add the following language to Section A314-12(C)(1) as follows:

...

- (n) The cottage industry shall not significantly increase demand for, or require significant amounts of additional services including water, sewer, septic, or wastewater treatment.

**Suggested Modification No. 9 (Cottage Industries)**

Add subsection (2) to revised Section A314-12(C), "Performance Standards For Cottage Industries Allowed As Appurtenant And Accessory Use" as follows:

(2) No coastal development permit is required for cottage industries that conform with the performance standards of (a)–(n) above if established in an existing, permitted residence or accessory structure. A coastal development permit will be required for a new accessory structure or enlarged residence in which such cottage industry is to be located that is not otherwise exempt from coastal development permit requirements pursuant to Title 14, California Code of Regulations Section 13250(b).

**Suggested Modification No. 10 (Density Bonus):**

Add as new section (F) to proposed section A314-12 as follows (and renumber following sections accordingly):



**F. Procedures for Approval**

**A. When required by Government Code Section 65915, the County shall grant a density bonus that allows the applicant to build a minimum of 25% and a maximum of 35% more units than a property's zoning would ordinarily allow, if the County finds:**

- 1. The project is for any one of the types of residential projects described in Government Code Section 65915(b);**
- 2. The project complies with all standards set forth in Government Code Section 65915;**
- 3. The project is a housing development consisting of five or more units.**

**B. In accordance with Government Code Section 65915 (g), the density bonus shall be calculated based on the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the LCP. The "otherwise maximum allowable residential density" shall mean the maximum density determined by applying all site-specific environmental development constraints applicable under the coastal zoning ordinance and land use plan certified by the Coastal Commission.**

**C. Any housing development approved pursuant to Government Code Section 65915 shall be consistent with all applicable certified local coastal program policies and development standards. In reviewing a proposed density increase, the County shall identify all feasible means of accommodating the density increase and consider the effects of such means on coastal resources. The County shall only grant a density increase if the County determines that the means of accommodating the density increase proposed by the applicant does not have an adverse effect on coastal resources. If, however, the County determines that the means for accommodating the density increase proposed by the applicant will have an adverse effect on coastal resources, the County shall not grant the density increase.**

**D. In addition to a density bonus, the County shall grant to a housing development that complies with the provisions of Section A. above, one of the incentives or concessions identified in Government Code Section 65915(h), unless the County finds that an incentive or concession is not required in order to provide for affordable housing costs or rents. In reviewing a proposed incentive or concession, the County shall consider all feasible alternative incentives and concessions and their effects on coastal resources. The County shall only grant an incentive or concession if the County determines that the development incentive or concession requested by an applicant pursuant to this section will not have any adverse effects on coastal resources. The County may grant one or**

more of those incentives or concessions that do not have an adverse effect on coastal resources. If all feasible incentives or concessions would have an adverse effect on coastal resources, the County shall not grant any incentive or concession.

E. For the purposes of this section, "coastal resources" means any resource which is afforded protection under the policies of Chapter 3 of the Coastal Act, California Public Resources Code section 30200 et seq., including but not limited to public access, marine and other aquatic resources, environmentally sensitive habitat, and the visual quality of coastal areas.

**Suggested Modification No. 11 (Density Bonus)**

Add the following language to the definition of "Density Bonus" consistent with §65915(g)(1):

B. Definitions. Whenever the following terms are used in this Section, they shall have the meaning established by this Subsection:

...

(4) "Density Bonus" means a minimum density increase of at least 25 percent, unless a lesser percentage is elected by the applicant, over the otherwise Maximum Residential Density= under the certified LCP. The amount of density bonus to which the applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the percentage established in subdivision (C) of this section. For each 1 percent increase above 10 percent in the percentage of units affordable to lower income households, the density bonus shall be increased by 1.5 percent up to a maximum of 35 percent.

**Suggested Modification No. 12 (Density Bonus)**

Revise Section C. Implementation, as follows consistent with §65915(b)(1)-(2):

C. Implementation. The County shall grant either: a Density Bonus, or a Density Bonus with an Additional Incentive(s), or Equivalent Financial Incentive; as set forth in Subsection 5 of this Section, to an applicant or developer of a Housing Development, who agrees to provide the following:

(1) At least ~~20~~ 10 percent of the total units of the Housing Development as Target Units affordable to Lower Income Households; or

(2) At least ~~40~~ 5 percent of the total units of the Housing Development as Target Units affordable to Very Low Income Households; or

(3) Senior citizen housing.

In determining the minimum number of Density Bonus Units to be granted pursuant to this Section, the Maximum Residential Density for the site shall be multiplied by 0.25. When calculating the number of permitted Density Bonus Units, any fractions of units shall be rounded to the next larger integer.

In determining the number of Target Units to be provided pursuant to this Section, the Maximum Residential Density shall be multiplied by ~~0.10~~ **0.05** where Very Low Income Households are targeted, or by ~~0.20~~ **0.10** where Lower Income Households are targeted. The Density Bonus Units shall not be included when determining the total number of Target Units in the Housing Development. When calculating the required number of Target Units, any resulting decimal fraction shall be rounded to the next larger integer.

In cases where a density increase of less than 25 percent is requested, no reduction will be allowed in the number of Target Units required. In cases where a density increase of more than 25 percent is requested, the requested density increase, if granted, shall be considered an Additional Incentive, as outlined in Subsection 5 of this Section.

In cases where the developer agrees to construct more than ~~20~~ **10** percent of the total units for Lower Income Households, or more than ~~40~~ **5** percent of the total units for Very Low Income Households, the developer is entitled to only one Density Bonus and an Additional Incentive(s) (or an Equivalent Financial Incentive) pursuant to Subsection 5 of this Section. Similarly, a developer who agrees to construct Senior Citizen Housing with ~~20 or 40~~ **10 or 5** percent of the units reserved for Lower- or Very Low-Income Households, respectively, is only entitled to one Density Bonus and an Additional Incentive(s). The County may, however, grant multiple Additional Incentives to facilitate the inclusion of more Target Units than are required by this Section.

**Suggested Modification No. 13 (Density Bonus)**

Revise Section D. Development Standards, as follows consistent with §65915(c):

D. Development Standards.

Target Units should be constructed concurrently with Non-Restricted Units unless both the County and the developer/applicant agree within the Density Bonus Housing Agreement to an alternative schedule for development.

Target Units shall remain restricted and affordable to the designated group for a period of 30 years (or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program; or rental subsidy program), ~~under the following circumstances:~~

~~===== (1) Both a Density Bonus and an Additional Incentive(s) is granted; or~~

~~===== (2) An Equivalent Financial Incentive equivalent to a Density Bonus and an Additional Incentive(s) is granted.~~

~~Target Units shall remain restricted and affordable to the designated group for a period of 10 years under the following circumstances:~~

~~===== (3) Only a Density Bonus is granted and no Additional Incentives are granted; or~~

~~===== (4) An Equivalent Financial Incentive equivalent to only a Density Bonus is granted.~~

**Suggested Modification No. 14 (Density Bonus)**

Revise Section E. Development Incentives, as follows consistent with §65915(d)(2)(A)-(C):

E. Development Incentives.

The County shall provide a Density Bonus and an Additional Incentive(s), for qualified Housing Developments, upon the written request of a developer, unless the County makes a written finding that the Additional Incentive(s) is not necessary to make the Housing Development economically feasible to accommodate a Density Bonus, or unless all the required findings for approving subdivisions cannot be made.

The development incentives granted shall contribute significantly to the economic feasibility of providing the Target Units. Applicants seeking a waiver or modification of development or zoning standards shall show that such waivers or modifications are necessary to make the Housing Development economically feasible in accordance with Government Code Section 65915(e). This requirement may be satisfied by reference to applicable sections of the County's general plan housing element

**The applicant shall receive the following number of incentives or concessions:**

**(1) One incentive or concession for projects that include at least 10 percent of the total units for lower income households, at least 5 percent for very low income households, or at least 10 percent for persons and families of moderate income in a condominium or planned development.**

**(2) Two incentives or concessions for projects that include at least 20 percent of the total units for lower income households, at least 10 percent for very low**

income households, or at least 20 percent for persons and families of moderate income in a condominium or planned development.

- (3) Three incentives or concessions for projects that include at least 30 percent of the total units for lower income households, at least 15 percent for very low income households, or at least 30 percent for persons and families of moderate income in a condominium or planned development.

~~The need for incentives will vary for different Housing Developments. Therefore, the allocation of Additional Incentives shall be determined on a case-by-case basis. The~~  
Additional Incentives may include, but are not limited to, any of the following:

(1) A reduction of site development standards or a modification of zoning code or architectural design requirements which exceed the minimum building standards provided in Part 2.5 (commencing with Section 18901) of Division 13 of the California Health and Safety Code). These may include, but are not limited to, any of the following:

- (a) Reduced minimum lot sizes and dimensions.
- (b) Reduced minimum yard setbacks.
- (c) Increased maximum lot coverage.
- (d) Increased maximum building height.
- (e) Reduced on site parking standard; including the number or size of spaces.
- (f) Reduced minimum building separation requirements.
- (g) Reduced street standards (e.g. reduced minimum street widths).

(2) Allow the Housing Development to include non-residential uses and/or allow the Housing Development within a non-residential zone.

(3) Other regulatory incentives or concessions proposed by the developer or the County which result in identifiable cost reductions or avoidance.

(4) A Density Bonus of more than 25 percent

(5) Waived, reduced, or deferred planning, plan check, construction permit, and/or development impact fees.

(6) Direct financial aid in the form of a loan or a grant to subsidize or provide low interest financing for on or off site improvements, land or construction costs.

The County may offer an Equivalent Financial Incentive instead of granting a Density Bonus and an Additional Incentive(s). The value of the Equivalent Financial Incentive shall equal at least the land cost per dwelling unit savings that would result from a Density Bonus and must contribute significantly to the economic feasibility of providing the Target Units pursuant to this Section.

**Suggested Modification No. 15 (Density Bonus)**

Revise Section G. Density Bonus Housing Agreement, as follows consistent with §65915(c)(1):

G. Density Bonus Housing Agreement.

Applicant/Developers requesting a Density Bonus, shall agree to enter into a Density Bonus Housing Agreement with the County. The terms of the draft agreement shall be reviewed and revised as appropriate by the Planning Director or designated staff, who shall formulate a recommendation to the Planning Commission for final approval.

...

The Density Bonus Housing Agreement shall include at least the following:

(1) The total number of units approved for the Housing Development, including the number of Target Units.

...

(4) Tenure of use restrictions for Target Units of at least ~~10 or~~ 30 years, in accordance with Subsection 4 of this Section.

...

**Suggested Modification No. 16 (Design Review):**

Revise Section A314-57 (B) & (C) as follows:

A. Applicability. These regulations shall apply to lands designated "D" on the zoning map. ~~Solar collectors for on-site use are exempt from the design review requirement of this section.~~

B. ~~Special Coastal Development Permit Required. A special coastal development permit is required for all development subject to these regulations except that~~ **development identified as "exempt" in Title 14, California Code of Regulations, sections 13250, 13252 and 13253 on lands designated "D" is exempt from the requirement for a coastal development permit, and exempt from the design review requirements of Section A314-57, unless a coastal development permit contains a condition stating that such exemptions are not available on the property.**

C. ~~The following development shall be exempt from coastal development permit requirements for design review:~~

**(1) Solar collectors for on site use;**

**(2) ~~(1)~~ Additions to existing structures that meet ~~the following~~ all the criteria:  
~~listed below:~~**

**~~(a) The addition of solar collectors for on-site use;~~**

**(a) The addition would result in an increase of 10 percent or less of floor area to the structure. The percentage increase shall include any previous additions that have been exempted from design review pursuant to this section, and**

**~~(b)-(e)~~ The addition does not increase the height of the structure by more than 10 percent, and**

**~~(c)-(d)~~ The addition is not located on a beach, wetland, within 50 feet of a coastal bluff or coastal stream, seaward of the mean high tide line, or in a coastal scenic or coastal view area,**

**(3) ~~(2)~~ Installation or removal of windows, doors or siding material provided that new siding material is non-reflective.**

The application for the permit shall be accompanied by a fee in the amount as established by ordinance or resolution of the Board of Supervisors.

Development exempt from coastal development permit requirements for design review shall be consistent with all other requirements of this chapter and any applicable permit.

**Suggested Modification No. 17 (Special Occupancy Park)**

Revise propose Section A314-34.1 as follows:

- F. Modification of Development Criteria. Modification of the development ~~criteria~~ standards ~~(A) through (D) in (C)~~ of this Section may be granted by the Hearing Officer subject to making the required findings for Granting Special Permit Exceptions in Chapter 5 and the findings that the development will be consistent with all applicable state and local health and safety standards, and that the development would have no adverse impact on coastal resources.

Modification of the development standard (E) of this Section may also be allowed with a Special Permit, provided the following supplemental findings are made: 1) the development will be compatible with surrounding land uses, and 2) the development meets minimum State standards for habitability.

To ensure the park is compatible with surrounding property uses, the Hearing Officer may limit the term of the permit to a specified time period, and may require that the caretaker of the park has specific plans and sufficient experience with anticipated users to effectively engage the cooperation of the users to maintain the park in a clean, safe and sanitary condition.

...

**Suggested Modification No. 18 (Special Occupancy Park)**

Revise Section A313-24 as follows:

Section A313-24. CRD COASTAL DEPENDENT COMMERCIAL RECREATION

A. Principal Permitted Uses.

- (1) Civic Use Type  
Minor Utilities
- (2) Commercial Use Type  
Coastal Dependent Recreation
- (3) Natural Resources Use Types  
Resource-Related Recreation  
Coastal Access Facilities
- ~~(4) Commercial Use Types~~  
~~Incidental Camping Area~~  
~~Tent Camp~~  
~~Temporary Recreational Vehicle Park~~

B. Conditionally Permitted Uses. The following use types are permitted pursuant to the Development Permit Procedures in Chapter 5 of this Division.

- (1) Residential Use Types  
Single Family Residential  
Caretaker's Residence
- (2) Civic Use Types  
...
- (3) Commercial Use Types  
Visitor Serving Facilities  
Transient Habitation  
Commercial Recreation



Recreational Vehicle Park  
Incidental Camping Area  
Tent Camp  
Temporary Recreational Vehicle Park

...

**Suggested Modification No. 19 (Planned Unit Development):**

Add the following language to existing Section A314-62 (E) as follows:

- E. Modifications of Development Standards. The following development standard modifications may be approved by the Planning Commission reviewing the Planned Unit Development permit applications: only if it is determined that the means of accommodating the proposed development standard modifications would not have an adverse effect on coastal resources. If, however, the County determines that the means for accommodating the proposed development standard modifications proposed by the applicant would have an adverse effect on coastal resources, the County shall not grant the development standard modifications.

**Suggested Modification No. 20 (Planned Unit Development):**

Add the following language to proposed Section A314-62 (F) as follows:

- F. Design Guidelines. These guidelines shall be considered by architects, engineers, and other persons involved in designing Planned Unit developments, and by the Planning Commission and Board of Supervisors in reviewing them. The guidelines recognize that while few people are in complete accord on what makes a well designed project, there is general agreement on a number of basic design principles, which are enumerated below. Consideration of these guidelines does not eliminate or supercede the need to comply with all other applicable requirements of the certified LCP.

**Suggested Modification No. 21 (Second Units)**

Revise Section A314-31(B) as follows:

- B. Second Residential Units Permitted With Coastal Development Permit ~~or~~ and Special Permit Use Permit. A second residential unit use type, as defined in Chapter 2, may be permitted with a coastal development permit in RS and RA zones if all the criteria of A314-31(D) are met. A second residential unit that cannot meet all the criteria in A314-31(D) may be permitted with a coastal development permit and special permit pursuant to A314-31(G)-(J) below so long as the second unit meets the criteria of A314-31(D)(8)-(13) below.

**Suggested Modification No. 22 (Second Units)**

Add the following language to Section A314-31(D):

D. Development Regulations and Standards. The following development regulations and standards shall apply to all second residential units:

...

**(8) Services. The applicant shall provide evidence of adequate services to serve the second residential unit including water supply and sewage disposal.**

**(9) Public Access. Second residential units shall not obstruct public access to and along the coast, or public trails.**

**(10) Visual Resources. Second residential units shall not significantly obstruct public views from any public road, trail, or public recreation area to, and along the coast.**

**(11) Environmentally Sensitive Habitat Areas and Wetlands. All development associated with second residential units shall be located no closer than 100 feet from the outer edge of an environmentally sensitive habitat area or the average setback of existing development immediately adjacent as determined by the "string line method."**

**(12) Agricultural Lands. All development associated with second residential units shall be prohibited on prime agricultural soils and where there are no prime soils be sited so as to minimize impacts to ongoing agriculturally-related activities.**

**Suggested Modification No. 23 (Second Units)**

Add the following language to Section A315-16 regarding Supplemental Findings for Second Residential Units:

A. Residential Use Findings.

- (1) Second Residential Unit. The second residential unit is subordinate to the principal residence and is compatible with the character of the neighborhood, and the development is consistent with ~~general plan~~ **LCP** policies regarding maintenance of open space, retention of agriculture and timber lands, and ~~protection of the environment.~~ **the criteria of A314-31(D)(8)-(12).**

### Suggested Modification No. 24

Revise Section 313-2.1, CN: Neighborhood Commercial as follows:

## 313-2 COMMERCIAL ZONE REGULATIONS

313-2.1		CN: Neighborhood Commercial	
Use Type		Principal Permitted Use	
<del>Civic Use Types</del>		<del>Minor Utilities</del>	
<del>Commercial Use Types</del>		Neighborhood Commercial	
Use Type		Conditionally Permitted Use	
Residential Use Types		Caretaker's Residence.	
Civic Use Types		Administrative	
		Community Assembly	
		Essential Services	
		Minor Generation and Distribution Facilities	
		Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations	
		Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations	
Commercial Use Types		Retail Sales	
		Retail Services	
		Office and Professional Service	
Industrial Use Types		Cottage Industry; subject to the Cottage Industry Regulations.	
Use Types Not Listed in This Table**		Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the CN zone.	

\*See, Industrial Performance Standards, Section 313-103.1.

**\*\*See, "Classifying Uses Not Specifically Mentioned in Use Type Descriptions," Section 313-165.**

<b>313-2.1 CN: Neighborhood Commercial</b>	
<b>Development Standards</b>	
<b>Minimum Lot Size</b>	5,000 square feet
<b>Minimum Lot Width</b>	Fifty feet (50')
<b>Maximum Lot Depth</b>	Three (3) times the lot width
<b>Maximum Density</b>	(None specified.)
<b>Minimum Yard Setbacks***</b>	
Front	None, except that where frontage is in a block which is partially in a Residential (RS, R2, RM) zone, the front yard shall be same as that required in such Residential zone
Rear	Fifteen feet (15'), except that where a rear yard abuts an alley, such rear yard may be not less than five feet (5')
Side	None, except that a side yard of an interior lot abutting on a Residential (RS, R2, RM) zone or an Agricultural (AE) zone shall not be less than the front yard required in such Residential zone or Agricultural zone.
Flag Lots	For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.
<b>Maximum Ground Coverage</b>	(None specified).
<b>Maximum Structure Height</b>	Forty-five feet (45')
<b>Permitted Main Building Types</b>	Ancillary Residential, Manufactured Home Limited Mixed Residential - Nonresidential Nonresidential Detached, Multiple/Group

\*\*\*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 313-30: "Alquist-Priolo Fault Hazard" and the "Fire Safe Regulations" at Title III, Division 11.(Former Section CZ#A313-21(A-C))

**Suggested Modification No. 25**

Revise Section 313-5.1, PR: Public Recreation as follows:

<b>313-5.1 PR: Public Recreation</b>	
<b>Use Type</b>	<b>Principal Permitted Use</b>
<del>Civic Use Types</del>	<del>Public Recreation and Open Space</del>
<del>Natural Resource Use Types</del>	<del>Minor Utilities</del>
<del>Use Type</del>	<del>Coastal Access Facilities</del>
Residential Use Types	<b>Conditionally Permitted Use</b>
Civic Use Types	Caretaker's Residence
	Essential Services
	Oil and Gas Pipelines; subject to the Oil and Gas Pipeline Regulations
	Minor Generation and Distribution Facilities
	Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations
Commercial Use Types	Visitor Serving Facilities
	Commercial Recreation
	Coastal-Dependent Recreation
	Recreational Vehicle Park
Natural Resource Use Types	Fish and Wildlife Habitat Management
	Watershed Management
	Wetland Restoration
	Resource-Related Recreation
	Boating Facilities
Use Types Not Listed in This Table**	Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the PR zone.
<b>Development Standards</b>	
<b>Minimum Lot Size</b>	5,000 square feet.
<b>Minimum Lot Width</b>	Fifty feet (50').
<b>Maximum Lot Depth</b>	Three (3) times the lot width.
<b>Maximum Density</b>	(None specified.)
<b>Minimum Yard Setbacks***</b>	
Front	None, except that where frontage is in a block which is partially in a Residential (RS, R2, RM) zone, the front yard shall be same as that required in such Residential zone
Rear	Fifteen feet (15'), except that where a rear yard abuts an alley, such rear yard may be not less than five feet (15').
Side	None, except that a side yard of an interior lot abutting on a Residential (RS, R2, RM) zone or an Agricultural (AE) zone shall not be less than the front yard required in such Residential zone or Agricultural zone.
Flag Lots	For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.
<b>Maximum Ground Coverage</b>	Thirty-five percent (35%).
<b>Maximum Structure Height</b>	Thirty-five feet (35').
<b>Permitted Main Building Types</b>	Ancillary Residential; Manufactured Home. Limited Mixed Residential - Nonresidential. Nonresidential Detached, Multiple/Group.

**Suggested Modification No. 26**

Revise Section 313-5.2, CR: Commercial Recreation as follows:

313-5.2 Use Type	CR: Commercial Recreation Principal Permitted Use
<del>Civic Use Types</del> <del>Commercial Use Types</del>	<del>Minor Utilities</del> <del>Visitor Serving Facilities</del> <del>Transient Habitation</del>
	Commercial Recreation
<del>Natural Resource Use Types</del>	<del>Coastal Dependent Recreation</del> <del>Resource Related Recreation</del> <del>Coastal Access Facilities</del>
Use Type	Conditionally Permitted Use
Residential Use Types	Single Family Residential Caretaker's Residence
Civic Use Types	Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations
	Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations
Commercial Use Types	Minor Generation and Distribution Facilities
Commercial Timber Use Types	Recreational Vehicle Park
Natural Resource Use Types	Timber Production Fish and Wildlife Management Watershed Management Wetland Restoration
Use Types Not Listed in This Table**	Boating Facilities Improvements Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the CR zone.
Development Standards	
Minimum Lot Size	5,000 square feet.
Minimum Lot Width	Fifty feet (50').
Maximum Lot Depth	Three (3) times the lot width.
Maximum Density	(None specified.)
Minimum Yard Setbacks***	
Front	None, except that where frontage is in a block which is partially in a Residential (RS, R2, RM) zone, the front yard shall be same as that required in such Residential zone
Rear	Fifteen feet (15'), except that where a rear yard abuts an alley, such rear yard may be not less than five feet (5').
Side	None, except that a side yard of an interior lot abutting on a Residential (RS, R2, RM) zone or an Agricultural (AE) zone shall not be less than the front yard required in such Residential zone or Agricultural zone.
Flag Lots	For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.
Maximum Ground Coverage	(None specified.)
Maximum Structure Height	Forty-five feet (45').
Permitted Main Building Types	Ancillary Residential; Manufactured Home. Limited Mixed Residential – Nonresidential. Nonresidential Detached, Multiple/Group.

**Suggested Modification No. 27**

Revise Section 313-5.3, CRD: Coastal Dependent Commercial Recreation as follows:

<b>313-5.3</b>	<b>CRD: Coastal-Dependent Commercial Recreation</b>
<b>Use Type</b>	<b>Principal Permitted Use</b>
<del>Civic Use Types</del>	<del>Minor Utilities</del>
<del>Commercial Use Types</del>	Coastal-Dependent Recreation
<del>Natural Resource Use Types</del>	<del>Resource-Related Recreation</del>
	<del>Coastal Access Facilities</del>
<b>Use Type</b>	<b>Conditionally Permitted Use</b>
Residential Use Types	Single Family Residential
	Caretaker's Residence
Civic Use Types	Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations
	Major Electrical Distribution Lines; subject to the Electrical Distribution
	Lines Regulations
	Minor Generation and Distribution Facilities
Commercial Use Types	Visitor Serving Facilities
	Transient Habitation
	Commercial Recreation
	Recreational Vehicle Park
Natural Resource Use Types	Fish and Wildlife Management
	Watershed Management
	Wetland Restoration
	Boating Facilities Improvements
Use Types Not Listed in This Table**	Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the CRD zone.

\*\*See, "Classifying Uses Not Specifically Mentioned in Use Type Descriptions," Section 313-165.

<b>313-5.3 CRD: Coastal-Dependent Commercial Recreation</b>	
<b>Development Standards</b>	
<b>Minimum Lot Size</b>	5,000 square feet.
<b>Minimum Lot Width</b>	Fifty feet (50').
<b>Maximum Lot Depth</b>	Three (3) times the lot width.
<b>Maximum Density</b>	(None specified.)
<b>Minimum Yard Setbacks***</b>	
Front	None, except that where frontage is in a block which is partially in a Residential (RS, R2, RM) zone, the front yard shall be same as that required in such Residential zone
Rear	Fifteen feet (15'), except that where a rear yard abuts an alley, such rear yard may be not less than five feet (5').
Side	None, except that a side yard of an interior lot abutting on a Residential (RS, R2, RM) zone or an Agricultural (AE) zone shall not be less than the front yard required in such Residential zone or Agricultural zone.
Flag Lots	For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.
<b>Maximum Ground Coverage</b>	(None specified.)
<b>Maximum Structure Height</b>	Forty-five feet (45').
<b>Permitted Main Building Types</b>	Ancillary Residential; Manufactured Home. Limited Mixed Residential - Nonresidential. Nonresidential Detached, Multiple/Group.

\*\*See, "Classifying Uses Not Specifically Mentioned in Use Type Descriptions," Section 313-165.

\*\*\*Note: Setbacks may be modified by other provisions of this Code or State law. For example, Section 313-30: "Alquist-Priolo Fault Hazard" and the "Fire Safe Regulations" at Title III, Division 11.  
(Former Section CZ#A313-24(A-C))



**Suggested Modification No. 28**

Revise Section 313-6.1, RS: Residential Single Family as follows:

**313-6 RESIDENTIAL ZONE DISTRICTS**

<b>313-6.1</b>	<b>RS: Residential Single Family</b>
<b><del>Use Type</del></b>	<b>Principal Permitted Use</b>
<del>Residential Use Types</del>	Single Family Residential
<del>Civic Use Types</del>	<del>Minor Utilities</del>
<b>Use Type</b>	<b>Conditionally Permitted Use</b>
Residential Use Types	Manufactured Home Park; subject to the Manufactured Home Park Regulations
	Guest House
Civic Use Types	Essential Services
	Community Assembly
	Public Recreation and Open Space
	Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations
	Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations
	Minor Generation and Distribution Facilities
Commercial Use Types	Bed and Breakfast Establishments; subject to the Bed and Breakfast Establishment Regulations
	Neighborhood Commercial
	Private Institution
	Private Recreation
Commercial Timber Use Type	Timber Production
Industrial Use Types*	Cottage Industry; subject to the Cottage Industry Regulations
Extractive Use Type	Surface Mining - 2; subject to the Surface Mining Regulations
Natural Resource Use Type	Fish and Wildlife Management
	Watershed Management
	Wetland Restoration
	Coastal Access Facilities
Use Types Not Listed in This Table**	Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the RS zone.

\*See, Industrial Performance Standards, Section 313-103.1.

\*\*See, "Classifying Uses Not Specifically Mentioned in Use Type Descriptions," Section 313-165. (Former Section CZ#A313-16(A-C); Amended by Ord. 1853, 12/20/88)

<b>313-6.1 RS: Residential Single Family</b>		
<b>Development Standards</b>		
<b>Minimum Lot Size and Minimum Lot Width</b>		
Zone Designation	Minimum Lot Size	Minimum Lot Width
RS-5	5,000 sq. ft.	50 feet
RS-7.5	7,500 sq. ft.	60 feet
RS-10	10,000 sq. ft.	60 feet
RS-20	20,000 sq. ft.	75 feet
RS-40	40,000 sq. ft.	150 feet
<b>Maximum Lot Depth</b>	Three (3) times the lot width.	
<b>Maximum Density</b>	Either one dwelling unit (1du) per lawfully created lot or two dwelling units (2du) per lawfully created lot if a Special Permit is secured for a second residential unit. In a manufactured home park, one dwelling unit per manufactured home lot is permitted up to the maximum density allowed by the General Plan.	
<b>Minimum Yard Setbacks***</b>		
Front	Twenty feet (20').	
Rear	Ten feet (10').	
Interior Side	Five feet (5').	
Exterior Side	Same as front or one-half (½) the front if all parts of the main building are more than twenty-five feet (25') from the rear lot line, and the exterior side yard does not abut a "collector" or "higher order street" (see, this Chapter, Section C: Index of Definitions of Language and Legal Terms). In questionable cases, the Public Works Director shall classify the subject street. A record of all streets so classified shall be maintained as a public record which is available to the public at Community Development Services and/or the Department of Public Works.	
Double Frontage Lots	Front and rear yards shall be twenty feet (20'); except that the rear yard setback may be reduced to ten feet (10') where such yard abuts an alley.	
Flag Lots	For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.	
<b>Maximum Ground Coverage</b>	Thirty-five percent (35%).	
<b>Maximum Structure Height</b>	Thirty-five feet (35').	
<b>Permitted Main Building Types</b>	Residential Single Detached; Manufactured Homes in Manufactured Home Parks. Limited Mixed Residential-Nonresidential. Nonresidential Detached or Multiple/Group.	

\*\*\*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 313-30: "Alquist-Priolo Fault Hazard" and the "Fire Safe Regulations" at Title III, Division 11.

(Former Section CZ#A313-16(A-C); Amended by Ord. 1853, 12/20/88)

**Suggested Modification No. 29**

Revise Section 313-6.2, RM: Residential Multi-Family as follows:

<b>313-6.2</b> <b>Use Type</b>	<b>RM: Residential Multi-Family</b> <b>Principal Permitted Use</b>
<del>Residential Use Types</del>	Multi Family Residential
<del>Civic Use Types</del>	<del>Group Residential</del>
<b>Use Type</b>	<b>Conditionally Permitted Use</b>
Residential Use Types	Single Family Residential
	Manufactured Home Parks; subject to the Manufactured Home Park Regulations
Civic Use Types	Essential Services
	Community Assembly
	Non-Assembly Cultural
	Public Recreation and Open Space
	Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations
	Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations
Commercial Use Types	Bed and Breakfast Establishments; subject to the Bed and Breakfast Establishment Regulations
	Transient Habitation
	Private Recreation
	Neighborhood Commercial
	Office and Professional Service
	Private Institution
Commercial Timber Use Type	Timber Production
Natural Resource Use Type	Fish and Wildlife Management
	Watershed Management
	Wetland Restoration
	Coastal Access Facilities
Use Types Not Listed in This Table**	Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the RM zone.
<b>Development Standards</b>	
<b>Minimum Lot Size</b>	5,000 square feet.
<b>Minimum Lot Width</b>	Fifty feet (50').
<b>Maximum Lot Depth</b>	Three (3) times the lot width.
<b>Maximum Density</b>	The maximum density as specified on the adopted zoning maps. A minimum of one dwelling unit (1du) per lawfully created lot is permitted, even if the specified maximum dwelling unit density is exceeded, if it meets all other development standards. The maximum density shall be calculated as the total number of dwelling units divided by the total area within the lot and within one-half of any adjacent street.

\*\*See, "Classifying Uses Not Specifically Mentioned in Use Type Descriptions," Section 313-165. (Former Section CZ#A313-14(A-C))

<b>313-6.2 RM: Residential Multi-Family</b>	
<b>Development Standards</b>	
<b>Minimum Yard Setbacks***</b>	
Front	Twenty feet (20').
Rear	Ten feet (10').
Interior Side	Five feet (5').
Exterior Side	Same as front or one-half ( $\frac{1}{2}$ ) the front if all parts of the main building are more than twenty-five feet (25') from the rear lot line, and the exterior side yard does not abut a "collector" or "higher order street" (see, this Chapter, Section C: Index of Definitions of Language and Legal Terms). In questionable cases, the Public Works Director shall classify the subject street. A record of all streets so classified shall be maintained as a public record which is available to the public at Community Development Services and/or the Department of Public Works.
Double Frontage Lots	Front and rear yards shall be twenty feet (20'), except that the rear yard setback may be reduced to ten feet (10') where such yard abuts an alley.
Flag Lots	For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.
<b>Minimum Setbacks Between Detached Multiple Unit Dwellings</b>	On building sites containing more than one (1) main detached multiple unit residential building, the following required distances between such buildings apply:
Minimum distance between buildings:	Ten feet (10').
Minimum distance between the front of any dwelling unit in a building and any other building on-site:	Twenty feet (20').
Minimum distance between the front of any dwelling unit and any side lot line:	Twelve feet (12').
Minimum distance between buildings exceeding two (2) stories:	Two foot (2') increase, over setbacks specified in this section, for each additional story.
<b>Maximum Ground Coverage</b>	Sixty Percent (60%).
<b>Maximum Structure Height</b>	Forty-five feet (45').
<b>Permitted Main Building Types</b>	Single Detached (only one dwelling per lot), Manufactured homes in manufactured home parks. Duplex, Multiple dwellings, and Multiple/Group. Limited Mixed Residential-Nonresidential. Nonresidential Detached, or Multiple/Group.

\*\*\*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 313-30: "Alquist-Priolo Fault Hazard" and the "Fire Safe Regulations" at Title III, Division 11.

(Former Section CZ#A313-14(A-C))

**Suggested Modification No. 30**

Revise Section 313-6.3, R2: Mixed Residential as follows:

313-6.3	<b>R2: Mixed Residential</b>
<del>Use Type</del> Residential Use Types	<b>Principal Permitted Use</b> <del>Single Family</del> <b>Mixed</b> Residential
<del>Civic Use Types</del> <b>Use Type</b> Residential Use Types	<del>Multi Family Residential (Duplex only)</del> <del>Minor Utilities</del>
Civic Use Types	<b>Conditionally Permitted Use</b> Manufactured Home Park; subject to the Manufactured Home Park Regulations
Commercial Use Types	Guest House Essential Services Community Assembly Public Recreation and Open Space Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations Minor Generation and Distribution Facilities Bed and Breakfast Establishments; subject to the Bed and Breakfast Establishment Regulations Neighborhood Commercial Private Institution Private Recreation Timber Production
Commercial Timber Use Type	Cottage Industry; subject to the Cottage Industry Regulations
Industrial Use Types*	Surface Mining - 2; subject to the Surface Mining Regulations
Extractive Use Type	Fish and Wildlife Management Watershed Management Wetland Restoration Coastal Access Facilities
Natural Resource Use Type	Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the R2 zone.
Use Types Not Listed in This Table**	

\*See, Industrial Performance Standards, Section 313-103.1.

\*\*See, "Classifying Uses Not Specifically Mentioned in Use Type Descriptions," Section 313-165.

(Former Section CZ#A313-15(A)(1-2); Amended by Ord. 1853, 12/20/88; Amended by Ord. 1875, Sec. 2, 9/26/89)

<b>313-6.3 R2: MIXED RESIDENTIAL</b>	
<b>Development Standards</b>	
<b>Minimum Lot Size</b>	5,000 square feet.
<b>Minimum Lot Width</b>	Fifty feet (50').
<b>Maximum Lot Depth</b>	Three (3) times the lot width.
<b>Maximum Density</b>	(None specified.)
<b>Minimum Yard Setbacks***</b>	
Front	Twenty feet (20').
Rear	Ten feet (10').
Interior Side	Five feet (5').
Exterior Side	Same as front or one-half (½) the front if all parts of the main building are more than twenty-five feet (25') from the rear lot line, and the exterior side yard does not abut a "collector" or "higher order street" (see, this Chapter, Section C: Index of Definitions of Language and Legal Terms).  In questionable cases, the Public Works Director shall classify the subject street. A record of all streets so classified shall be maintained as a public record which is available to the public at Community Development Services and/or the Department of Public Works.
Double Frontage Lots	Front and rear yards shall be twenty feet (20'), except that the rear yard setback may be reduced to ten feet (10') where such yard abuts an alley.
Flag Lots	For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.
<b>Maximum Ground Coverage</b>	Thirty-five percent (35%).
<b>Maximum Structure Height</b>	Thirty-five feet (35').
<b>Permitted Main Building Types</b>	Residential Single Detached; Manufactured Homes in Manufactured Home Parks. Only one dwelling per lot or manufactured home lot except where a permit is approved to allow for a second residential unit (see, Second Residential Dwelling Unit in Section 313-87.1). Duplex. Limited Mixed Residential-Nonresidential. Nonresidential Detached or Multiple/Group.

\*\*\*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 313-30: "Alquist-Priolo Fault Hazard" and the "Fire Safe Regulations" at Title III, Division 11.

(Former Section CZ#A313-15(A)(1-2); Amended by Ord. 1853, 12/20/88; Amended by Ord. 1875, Sec. 2, 9/26/89)

**Suggested Modification No. 31**

Revise Section 313-6.4, RA: Rural Residential Agriculture as follows:

313-6.4	RA: Rural Residential Agriculture
<del>Use Type</del>	<del>Principal Permitted Use</del>
<del>Residential Use Types</del>	Single-Family <u>Rural Residential Agriculture</u>
<del>Civic Use Types</del>	<del>Minor Utilities</del>
<del>Agricultural Use Types</del>	<del>General Agriculture</del>
Use Type	Conditionally Permitted Use
Residential Use Types	Guest House
Civic Use Types	Essential Services
	Community Assembly
	Public Recreation and Open Space
	Solid Waste Disposal; subject to the Solid Waste Disposal Regulations
	Oil and Gas Pipelines; subject to the Oil and Gas Pipeline Regulations
	Major Electrical Distribution Lines; subject to the Electrical Distribution
	Lines Regulations
	Minor Generation and Distribution Facilities
Commercial Use Types	Neighborhood Commercial
	Bed and Breakfast Establishment; subject to the Bed and Breakfast
	Establishment Regulations
	Private Recreation
Industrial Use Types*	Cottage Industry; subject to the Cottage Industry Regulations
Agricultural Use Types	Stables and Kennels
	Intensive Agriculture
Commercial Timber Use Type	Timber Production
Extractive Use Type	Surface Mining - 2; subject to the Surface Mining Regulations
Natural Resource Use Types	Fish and Wildlife Management
	Watershed Management
	Wetland Restoration
	Coastal Access Facilities
Use Types Not Listed in This Table**	Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the RA zone.

\*See, Industrial Performance Standards, Section 313-103.1.

\*\*See, "Classifying Uses Not Specifically Mentioned in Use Type Descriptions," Section 313-165.

(Former Section CZ#A313-17(A-C); Amended by Ord. 1853, 12/20/88)

<b>313-6.4 RA: RURAL RESIDENTIAL AGRICULTURE</b>		
<b>Development Standards</b>		
<b>Minimum Lot Size and Minimum Lot Width</b>		
Zone Designation	Minimum Lot Size	Minimum Lot Width
RA -1	1.0 acres	150 feet
RA -2	2.0 acres	175 feet
RA -2.5	2.5 acres	175 feet
RA -5	5.0 acres	250 feet
RA -10	10.0 acres	350 feet
RA -20	20.0 acres	475 feet
RA -40	40.0 acres	750 feet
<b>Maximum Lot Depth</b>	Four (4) times the lot width.	
<b>Maximum Density</b>	Either one dwelling unit (1du) per lawfully created lot or two dwelling units (2du) per lawfully created lot if a Special Permit is secured for a second residential unit.	
<b>Minimum Yard Setbacks***</b>	<b>Minimum Lot Size Less Than 2.5 Acres</b>	<b>Minimum Lot Size 2.5 Acres or Greater</b>
Front	Twenty feet (20')	Twenty feet (20'); Thirty feet (30') for flag lots
Rear	Ten feet (10')	Thirty feet (30')
Interior Side	Five feet (5')	Thirty feet (30')
Exterior Side	Twenty feet (20')	Twenty feet (20')
Flag Lots	For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.	For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.
Double Frontage Lots	Front and rear yards shall be twenty feet (20'), except that the rear yard setback may be reduced to ten feet (10') where such yard abuts an alley.	Front and rear yards shall be twenty feet (20'), except that the rear yard setback may be reduced to ten feet (10') where such yard abuts an alley.
<b>Maximum Ground Coverage</b>	Thirty-five percent (35%)	
<b>Maximum Structure Height</b>	Thirty-five feet (35').	
<b>Permitted Main Building Types</b>	Residential Single Detached Limited Mixed Residential - Nonresidential Nonresidential Detached or Multiple/Group	

\*\*\*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 313-30: "Alquist-Priolo Fault Hazard" and the "Fire Safe Regulations" at Title III, Division 11.

(Former Section CZ#A313-17(A-C); Amended by Ord. 1853, 12/20/88)



**Suggested Modification No. 32**

Revise Section 313-7.1, AE: Agriculture Exclusive as follows:

**313-7 RESOURCE USE REGULATIONS**

313-7.1	AE: Agriculture Exclusive
Use Type	Principal Permitted Use
<del>Residential Use Types</del>	<del>Single Family Residential. On lots sixty acres (60a) or larger in size, two single detached dwellings are permitted.</del>
<del>Civic Use Types</del>	Minor Utilities
<del>Agricultural Use Types</del>	General Agriculture <u>Exclusive</u>
<del>Commercial Timber Use Type</del>	Timber Production
Use Type	Conditionally Permitted Use
Residential Use Types	Guest House Farm Employee Housing Labor Camp Second Agriculture or Commercial Timber Production Residence (on a lot less than sixty acres (60a) in size) <del>Single Family Residential (a Use Permit is required on a lot less than sixty acres (60a) in size for a second single detached dwelling)</del>
Civic Use Types	Essential Services Solid Waste Disposal; subject to the Solid Waste Disposal Regulations Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations Minor Generation and Distribution Facilities
Industrial Use Types*	Aquaculture, allowed within non-prime agricultural lands only
Agricultural Use Types	<del>Cottage Industry; subject to the Cottage Industry Regulations</del> Hog Farming Feed Lots/Slaughter House Kennels Agriculture-Related Recreation Intensive Agriculture
Extractive Use Types	Oil and Gas Drilling and Processing; subject to the Oil and Gas Drilling and Processing Regulations Surface Mining - 2; subject to the Surface Mining Regulations Surface Mining - 3; subject to the Surface Mining Regulations Metallic Mineral Extraction; subject to the Surface Mining Regulations
Natural Resource Use Types	Fish and Wildlife Management Watershed Management Wetland Restoration Resource-Related Recreation Coastal Access Facilities
Use Types Not Listed in This Table**	Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the AE zone.

313-7.1 AE: AGRICULTURE EXCLUSIVE		
Development Standards		
Minimum Lot Size and Minimum Lot Width		
Zone Designation	Minimum Lot Size	Minimum Lot Width
AE-20	20 acres	(As determined during subdivision review and approval.)
AE-40	40 acres	
AE-60	60 acres	
AE-160	160 acres	
AE-600	600 acres	
Maximum Lot Depth	(None specified.)	
Maximum Density	(None specified.)	
Minimum Yard Setbacks***		
Front	Twenty feet (20'); Thirty feet (30') for flag lots.	
Rear	Thirty feet (30').	
Interior Side	Thirty feet (30').	
Exterior Side	Twenty feet (20').	
Flag Lots	For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.	
Double Frontage Lots	Front and rear yards shall be twenty feet (20'), except that the rear yard setback may be reduced to ten feet (10') where such yard abuts an alley.	
Maximum Ground Coverage	(None specified.)	
Maximum Structure Height	(None specified.)	
Permitted Main Building Types	Residential Single Detached; Ancillary Residential, Manufactured Home; Unlimited Mixed Residential - Nonresidential Detached Nonresidential	

\*\*\*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 313-30: "Alquist-Priolo Fault Hazard" and the "Fire Safe Regulations" at Title III, Division 11.

(Former Section CZ#A313-29(A-C); Amended by Ag Zone ordinance amendments approved by the Humboldt County Board of Supervisors 2/9/99)

**Suggested Modification No. 33**

Revise Section 313-7.2, TC: Commercial Timber as follows:

<b>313-7.2</b>	<b>TC: Commercial Timber</b>
<b>Use Type</b>	<b>Principal Permitted Use</b>
<del>Residential Use Types</del> <del>Civic Use Types</del> <del>Agricultural Use Types</del> <del>Commercial Timber Use Type</del>	<del>Single Family Residential</del> <del>Minor Utilities</del> <del>General Agriculture</del> <del>Commercial Timber Production</del>
<b>Use Type</b>	<b>Conditionally Permitted Use</b>
Residential Use Types  Civic Use Types	Single Family Residential. A Use Permit is required for a second single family residence. Essential Services
    Industrial Use Types*	Solid Waste Disposal; subject to the Solid Waste Disposal Regulations Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations Minor Generation and Distribution Facilities Timber Products Processing Aquaculture
Agricultural Use Types Extractive Use Type	Cottage Industry; subject to the Cottage Industry Regulations Agricultural Related Recreation Surface Mining - 2; subject to the Surface Mining Regulations Oil and Gas Drilling and Processing; subject to the Oil and Gas Drilling and Processing Regulations
  Natural Resource Use Type Use Types Not Listed in This Table**	Metallic Mineral Extraction; subject to the Surface Mining Regulations Coastal Access Facilities Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the TC zone.
<b>Use Type</b>	<b>Compatible Uses Permitted with a Special Permit</b>
Residential Use Types Commercial Timber Use Type Natural Resource Use Types	Labor Camp Timber Related Recreation Fish and Wildlife Management Watershed Management Wetland Restoration

\*See, Industrial Performance Standards, Section 313-103.1.

\*\*See, "Classifying Uses Not Specifically Mentioned in Use Type Descriptions," Section 313-165.  
(From Section CZ#A314-11(B); CZ#A313-30(A-C); Amended by Ord. 1853, 12/20/88)

<b>313-7.2 TC: COMMERCIAL TIMBER</b>	
<b>Development Standards</b>	
<b>Minimum Lot Size</b>	Forty acres (40a).
<b>Minimum Lot Width</b>	(As determined during subdivision review and approval).
<b>Maximum Lot Depth</b>	(None specified.)
<b>Maximum Density</b>	(None specified.)
<b>Maximum Total Conversion of Timberland for Non-Timber Production Uses</b>	Two acres (2a) of contiguous or non-contiguous land.
<b>Minimum Yard Setbacks***</b>	
Front	Twenty feet (20'); Thirty feet (30') for flag lot.
Rear	Thirty feet (30').
Interior Side	Thirty feet (30').
Exterior Side	Twenty feet (20').
Flag Lots	For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.
Double Frontage Lots	Front and rear yards shall be twenty feet (20'), except that the rear yard setback may be reduced to ten feet (10') where such yard abuts an alley.
<b>Maximum Ground Coverage</b>	(None specified.)
<b>Maximum Structure Height</b>	Thirty-five feet (35').
<b>Permitted Main Building Types</b>	Residential Single Detached; Ancillary Residential; Manufactured Home. Detached Nonresidential

**Suggested Modification No. 34**

Revise Section 313-7.3, TPZ: Timberland Production Zone as follows:

<b>313-7.3</b>	
<b>Use Type</b>	<b>TPZ: Timberland Production Zone</b>
<del>Residential Use Types</del>	<b>Principal Permitted Use</b>
<del>Civic Use Types</del>	<del>Single Family Residential</del>
<del>Commercial Timber Use Types</del>	<del>Minor Utilities</del>
<b>Use Type</b>	Timber Production
Residential Use Types	<b>Conditionally Permitted Use</b>
Civic Use Types	Single Family Residential. A Use Permit is required for a second single family residence.
	Essential Services
	Solid Waste Disposal; subject to the Solid Waste Disposal Regulations
	Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations
	Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations
	Minor Generation and Distribution Facilities
Industrial Use Types*	Timber Products Processing
	Aquaculture
	Cottage Industry; subject to the Cottage Industry Regulations
Agricultural Use Types	Agriculture-Related Recreation
Extractive Use Type	Surface Mining - 2; subject to the Surface Mining Regulations
	Oil and Gas Drilling and Processing; subject to the Oil and Gas Drilling and Processing Regulations
	Coastal Access Facilities
Natural Resource Use Type	Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the TPZ zone.
Use Types Not Listed in This Table**	<b>Compatible Uses Permitted with a Special Permit</b>
<b>Use Type</b>	Labor Camp
Residential Use Types	Timber Related Recreation
Commercial Timber Use Type	Fish and Wildlife Management
Natural Resource Use Types	Watershed Management
	Wetland Restoration

\*See, Industrial Performance Standards, Section 313-103.1.

\*\*See, "Classifying Uses Not Specifically Mentioned in Use Type Descriptions," Section 313-165. (Former Section CZ#A313-31(A-C); Section CZ#A314-11(B); Amended by Ord. 1853, 12/20/88)

313-7.3 TPZ: TIMBERLAND PRODUCTION ZONE	
Development Standards	
Minimum Lot Size	Forty acres (40a).
Minimum Lot Width	(As determined during subdivision review and approval).
Maximum Lot Depth	(None specified.)
Maximum Density	(None specified.)
Maximum Total Conversion of Timberland for Non-Timber Production Uses	Two acres (2a) of contiguous or non-contiguous land.
Minimum Yard Setbacks***	
Front	Twenty feet (20'); Thirty feet (30') for flag lots.
Rear	Thirty feet (30').
Interior Side	Thirty feet (30')
Exterior Side	Twenty feet (20')
Flag Lots	For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.
Double Frontage Lots	Front and rear yards shall be twenty feet (20'), except that the rear yard setback may be reduced to ten feet (10') where such yard abuts an alley.
Maximum Ground Coverage	(None specified.)
Maximum Structure Height	Thirty-five feet (35').
Permitted Main Building Types	Residential Single Detached; Ancillary Residential; Manufactured Home. Detached Nonresidential.

\*\*\*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 313-30: "Alquist-Priolo Fault Hazard" and the "Fire Safe Regulations" at Title III, Division 11.

(Former Section CZ#A313-31(A-C); Section CZ#A314-11(B); Amended by Ord. 1853, 12/20/88)

(313-8 through 313-14: Sections Reserved for Future Use)

### **Suggested Modification No. 35**

Add new Section 313-163.1.9 regarding principal permitted uses and modify Section 313-164 as follows:

## **SECTION D: USE TYPES**

### **PART 1: CLASSIFICATION OF USE TYPES**

**313-162      PURPOSE OF USE TYPE AND PRINCIPAL PERMITTED USE**  
**CLASSIFICATIONS**

The purpose of these provisions is to classify uses of property into a limited number of use types and principal permitted uses on the basis of common functional, product, or compatibility characteristics. The desired result is to provide a basis for regulation of uses in accordance with criteria which are directly relevant to the public interest. These provisions apply throughout the County. (Former Section CZ#A313-1)

**313-163      LISTING OF USE TYPE AND PRINCIPAL PERMITTED USE**  
**CLASSIFICATIONS**

163.1      All uses are classified into the following use types. Use types are described and defined in Section D, Part 2: Glossary of Use Types. (Former Section CZ#A313-2)

163.1.1      **Agricultural Use Types.**

Agriculture-Related Recreational  
Feed Lot/Slaughter House  
General Agriculture  
Hog Farming  
Intensive Agriculture  
Stables and Kennels  
(Former Section CZ#A313-2(E))

163.1.2      **Civic Use Types.**

Administrative  
Community Assembly  
Cultural Non-Assembly  
Electrical Distribution Lines, Major  
Essential Services  
Extensive Impact Civic Uses  
Generation and Distribution Facilities, Minor  
Health Care Services  
Oil and Gas Pipelines  
Public Recreation and Open Spaces  
Solid Waste Disposal  
Utilities, Minor  
(Former Section CZ#A313-2(B))

163.1.3      **Commercial Use Types.**

Automotive Sales, Service and Repair  
Bed and Breakfast Establishment  
Coastal-Dependent Commercial Recreation  
Commercial Recreation  
Heavy Commercial  
Neighborhood Commercial

Office and Professional Service  
Private Institution  
Private Recreation  
Recreational Vehicle Park  
Retail Sales  
Retail Service  
Transient Habitation  
Visitor Serving Facilities  
Warehousing, Storage and Distribution  
(Former Section CZ#A313-2(C))

163.1.4      **Commercial Timber Use Types.**

Timber Production  
Timber Related Recreation  
(Former Section CZ#A313-2(F))

163.1.5      **Extractive Use Types.**

Metallic Mineral Extraction  
Oil and Gas Drilling and Processing  
Surface Mining - 1  
Surface Mining - 2  
Surface Mining - 3  
(Former Section CZ#A313-2(G))

163.1.6      **Industrial Use Types.**

Aquaculture  
Coastal-Dependent  
Coastal-Related  
Cottage Industry  
Hazardous Industrial  
Heavy Industrial  
Research/Light Manufacturing  
Timber Products Processing  
(Former Section CZ#A313-2(D))

163.1.7      **Natural Resource Use Types.**

Boating Facilities  
Fish and Wildlife Habitat Management  
Coastal Public Access Facilities  
Resource-Related Recreational  
Watershed Management  
Wetland Restoration  
(Former Section CZ#A313-2(H))

163.1.8      **Residential Use Types.**

Caretaker's Residence  
Community Care Facility  
Family Day Care Center



Family Day Care Home  
Farm Employee Housing  
Group Residential  
Guest House  
Labor Camp  
Manufactured Home Park Development  
Multi Family Residential  
Residence Incidental to Agriculture or Commercial  
Timber Production (See, Agriculture or Commercial Zoning  
Designations, Principal Permitted Uses.)  
Second Agriculture or Commercial Timber Production Residence  
(See, Agriculture or Commercial Zoning Designations,  
Principal Permitted Uses.)  
Second Residential Unit (See also, Second Dwelling Unit,  
Secondary Dwelling Unit)  
Single Family Residential  
(Former Section CZ#A313-2(A))

**163.1.9 Principal Permitted Uses. These are uses that are allowed without a conditional use permit and that are considered the “principal permitted use” for purposes of appeal to the Coastal Commission (with the exception of Single Family Residential, Second Agriculture or Commercial Timber Production Residence (on a lot sixty (60) acres or larger in size), or Cottage Industry uses in the Agriculture Exclusive zoning district as enumerated in Section 163.1.9.9 below). Subdivisions, including lot line adjustments, are not considered a principal permitted use in any zoning district in the coastal zone.**

**163.1.9.1 Neighborhood Commercial**

**The Neighborhood Commercial Principal Permitted Use includes the following uses: Neighborhood Commercial; Cottage Industry (subject to the Cottage Industry Regulations); Caretakers’ Residence which is incidental to and under the same ownership as an existing commercial use; and Minor Utilities to serve these uses.**

**163.1.9.2 Public Recreation**

**The Public Recreation Principally Permitted Use includes the following uses: Public Recreation and Open Space, Coastal Access Facilities; and Minor Utilities to serve such uses.**

**163.1.9.3 Commercial Recreation**

**The Commercial Recreation Principally Permitted Use includes the following uses: Visitor Serving Facilities; Transient Habitation; Commercial Recreation; Coastal Dependent Recreation; Resource Related Recreation; Coastal Access Facilities; and Minor Utilities to**

serve such uses.

163.1.9.4 Coastal Dependent Commercial Recreation

The Coastal Dependent Commercial Recreation Principally Permitted Use includes the following uses: Coastal Dependent Recreation; Resource Related Recreation; Coastal Access Facilities; and Minor Utilities to serve such uses.

163.1.9.5 Residential Single Family

The Residential Single Family Principally Permitted Use includes the following uses: Single Family Residential; Second Residential Unit; Cottage Industry (subject to the Cottage Industry Regulations); and Minor Utilities to serve such uses.

163.1.9.6 Residential Multi Family

The Residential Multi Family Principally Permitted Use includes the following uses: Multi Family Residential; Group Residential; and Minor Utilities to serve such uses.

163.1.9.7 Mixed Residential

The Mixed Residential Principally Permitted Use includes the following uses: Single Family Residential; Multi Family Residential (Duplex only); Cottage Industry (subject to the Cottage Industry Regulations); and Minor Utilities to serve such uses.

163.1.9.8 Rural Residential Agricultural

The Rural Residential Agricultural Principally Permitted Use includes the following uses: Single Family Residential; Second Residential Unit; General Agriculture; Cottage Industry (subject to the Cottage Industry Regulations); and Minor Utilities to serve such uses.

163.1.9.9 Agricultural Exclusive

The Agricultural Exclusive Principally Permitted Use includes the following uses: Single Family Residential; Second Agriculture or Commercial Timber Production Residence (on a lot sixty (60) acres or larger in size); General Agriculture; Timber Production; Cottage Industry; and Minor Utilities to serve such uses. Single Family Residential, Second Agriculture or Commercial Timber Production Residence (on a lot sixty (60) acres or larger in size), and Cottage

**Industry use types do not require a conditional use permit, but are not considered the principal permitted use for purposes of appeal to the Coastal Commission pursuant to Section 312-13.12.3 of the Coastal Zoning Ordinance and Section 30603(a)(4) of the Coastal Act.**

**163.1.9.10 Commercial Timber**

**The Commercial Timber Principally Permitted Use includes the following uses: Timber Production; General Agriculture; Single Family Residential; Cottage Industry (subject to the Cottage Industry Regulations); and Minor Utilities to serve such uses.**

**163.1.9.11 Timber Production**

**The Timber Production Principally Permitted Use includes the following uses: Timber Production; Single Family Residential; Cottage Industry (subject to the Cottage Industry Regulations); and Minor Utilities to serve such uses.**

**313-164 HOW TO DETERMINE AND CLASSIFY ALLOWED USES WHEN MORE THAN ONE USE TYPE MIGHT APPLY**

The following rules shall apply when a lot or building site contains multiple uses which constitute or resemble two or more different use types, and which are not classified as accessory uses pursuant to the Accessory Use Regulations. (Former Section CZ#A313-3)

**164.1 Separate Classifications of Several Establishments.** The ~~principal~~ uses conducted on a lot by two or more individual establishments, managements, or institutions shall be classified separately into use types. (Former Section CZ#A313-3(A))

**164.2 Classification and Limitation of Different Uses Within Same Category of Use Types Conducted by Individual Establishment.** If ~~principal~~ uses conducted on a lot by an individual establishment, management, or institution resemble two or more different use types within the same category of use types, all such ~~principal~~ uses shall be classified in the use type whose description most closely portrays the overall nature of such uses. However, when the ~~principal~~ uses have any of the characteristics of the following listed use types, all such ~~principal~~ uses shall be classified in one of the use types on the following list.

Extensive Impact Civic Uses  
General/Heavy Manufacturing  
Hazardous Industrial  
Oil and Gas Drilling and Processing  
Surface Mining - 1  
Surface Mining - 2

Surface Mining - 3

If multiple ~~principal~~ uses on a lot resemble more than one of the use types on the above list, the uses shall be classified as the use type which is most similar to the predominant or most significant use on the lot, except that any commercial uses shall be classified within the Heavy Commercial Use Type if they have any heavy commercial characteristics. (Former Section CZ#A313-3(B))

**313-165 CLASSIFYING USES NOT SPECIFICALLY MENTIONED IN USE TYPE DESCRIPTIONS**

Whenever a development is proposed that contains a use not specifically mentioned under use types described in these regulations, the Hearing Officer shall make a determination as to whether the proposed use is encompassed by any use types permitted or conditionally permitted under the use designator applicable to the subject property. (See designated Hearing Officer in Chapter 2, Section 312-9; usually it is initially the Director or designee.) The classification of a use is subject to the right of appeal pursuant to the Appeals Procedures in Chapter 2, Section 312-13. The Director shall maintain a written record of all such determinations, which determinations are maintained and available for review at the Planning Division. (Former Section CZ#A313-4)

**Suggested Modification No. 36**

Add the following language to existing Table 9.2.4 and new Sections 9.2.5 and 9.2.6 as follows:

9.2 PUBLIC HEARING MAY BE WAIVED.

A public hearing may be waived, as indicated in the table, "Public Hearing Requirements and Authorized Hearing Officer," upon making all of the following findings: (Former Section INL#317-40.3; CZ#A315-5; Ord. 1726, Sec. 4, 3/4/86; Amended by Ord. 2214, 6/6/00)

9.2.1 The permit application, in the Hearing Officer's opinion, qualifies for approval; and (Former Section INL#317-40.3(1); CZ#A315-5(A); Ord. 1726, Sec. 4, 3/4/86; Amended by Ord. 2214, 6/6/00)

9.2.2 The permit application is not being processed in conjunction with an application that requires a public hearing; and (Former Section INL#317-40.3(2); CZ#A315-5(B); Ord. 1726, Sec. 4, 3/4/86; Amended by Ord. 2214, 6/6/00)

9.2.3 A written request for a public hearing has not been received by the Department prior to the Hearing Officer's administrative action. (Former Section INL#317-40.3(3); CZ#A315-5(C); Ord. 1726, Sec. 4, 3/4/86).

<b>9.2.4 TABLE: PUBLIC HEARING REQUIREMENTS AND AUTHORIZED HEARING OFFICER</b>				
<b>Application Type</b>	<b>May Be Waived<sup>1</sup></b>	<b>Director<sup>2</sup></b>	<b>Zoning Administrator<sup>2</sup></b>	<b>Planning Commission</b>
Special Permit (SP)	W	O		O
Use Permits (UP) that are categorically exempt from environmental review under CEQA			O	O
Use Permits (UP) that require environmental review under CEQA			O	O
Coastal Development Permits that are appealable to the California Coastal Commission.			O	O
<u>Coastal Development Permits that are appealable to the California Coastal Commission and qualify as minor development consistent with Section 312-9.2.5.</u>	<u>W</u>			
Coastal Development Permits that are not appealable to the California Coastal Commission	W	O		
Planned Unit Development Permits			O	O

"W" indicates that the Public Hearing may be waived.

"O" identifies the Authorized Hearing Officer.

1. Subject to making all required findings of Section 312-9.2 of this Chapter.
2. The Zoning Administrator or Director may refer any application for a permit or variance to the Planning Commission for a decision, as permitted by Section 312-1.2.5.

**9.2.5 The Hearing Officer may waive the requirement for a public hearing on a Coastal Development Permit application for a minor development that is appealable to the Coastal Commission only if both of the following occur:**

- (1) Notice is provided to all persons who would otherwise be required to be notified of a public hearing as well as any other persons known to be interested in receiving notice that a public hearing will not be held unless requested by any interested person within 15 days.**
- (2) No request for a public hearing is received by the local government within 15 working days from the date of sending the notice pursuant to paragraph (1).**

**"Minor Development" means a development which the County determines satisfies all of the following requirements:**

- (1) Is consistent with the certified local coastal program, as defined in Coastal Act Section 30108.6;**
- (2) Requires no discretionary approvals other than a coastal development permit; and**
- (3) The project as proposed has no adverse effect either individually or cumulatively on coastal resources or public access to the shoreline or along the coast.**

**9.2.6 Second residential units do not require a public hearing consistent with the applicable provisions of Government Code Section 65852.2**

## **PART TWO: AMENDMENT DESCRIPTION AND BACKGROUND**

### Background

In February of 1998, the Humboldt County Board of Supervisors adopted Resolution Nos. 98-114c and 98-114d approving the proposed amendments to the Land Use Plan (i.e., six Area Plans) and the Coastal Zoning Regulations. In April of 1998, the Board of Supervisors adopted Resolution No. 98-221 transmitting the LCP amendments to the Coastal Commission for review and certification (see Attachment A).

The subject amendment, referred to as the "Housing Element Update," is one of two parts submitted by the County. The first part, or Part "A," involves amendments to the agricultural provisions of the LCP and is being processed separately as HUM-MAJ-1-99-A. The subject amendment involving primarily housing related issues is being processed as Part "B," or HUM-MAJ-1-99-B.

According to the County, the goals of the proposed amendment are to (1) provide adequate sites for all types of residential development throughout the county, (2) utilize techniques and programs which would reduce costs of new residential construction, (3) encourage resource-conserving site utilization and dwelling unit construction techniques, (4) promote simplification, flexibility, and diversity of housing and zoning regulations to allow the construction or maintenance of varying types of housing developments by the public and private interests, which will provide for the housing needs of all socio-economic sectors in the community, (5) assist housing consumers and special populations groups, (6) provide for affordable housing, and (7) help the County achieve housing goals as outlined in Section 65580 of the Government Code.

The County's amendment submittal details the extensive multi-year public involvement efforts in preparing the amendment. The County enlisted the assistance of many community organizations in writing the draft Housing Element including for example, the Humboldt County Housing Authority, Redwood Community Action Agency, Farmer's Home Administration, and the Homeless Task Force. The County also worked closely with a 21-member citizen group known as the Citizens Advisory Committee on the Housing Element (CACHE). In addition, the County prepared an Environmental Impact Report for the Housing Element Update consistent with requirements of the California Environmental Quality Act (CEQA).

### Description of Proposed LCP Amendment

The proposed Humboldt County LCP amendment stems from a comprehensive update of the Housing Element portion of the County's General Plan, which identifies housing needs in the unincorporated areas of the County and directs the implementation of programs to address those housing needs. According to the County, the purpose of the proposed LCP amendment is to facilitate the accommodation of current and future housing needs and to comply with State law regarding affordable housing. Accordingly, the more significant portions of the amendment include provisions allowing density bonuses pursuant to the requirements of Government Code Section 65915, increasing the existing allowable density bonus in Planned Unit Developments

(PUDs) for developments with extraordinary public benefits from 20% to 25%, and allowing second units as a principal permitted use in residential and rural areas.

The proposed amendment would make changes to the six area plans of the Land Use Plan to allow for density bonuses for affordable housing projects and planned unit developments.

The amendment proposes to make a number of significant changes to the Coastal Zoning Ordinance to encourage more affordable housing and to better meet housing needs of all segments of the County's population. Accordingly, the amendment intends to encourage less expensive housing development by reducing permit requirements and development standards for certain types of development.

In brief, the proposed amendment includes as follows:

#### Density Bonus and Planned Unit Development (LUP)

The proposed LUP amendment would add a new section to the Introduction of the "Standards for Plan Designations" section in each of the six Area Plans that would allow for density ranges in land use designations to be exceeded (1) to encourage affordable housing pursuant to Government Code Section 65915, and (2) within Planned Unit Developments (PUD) consistent with existing PUD policies in the LCP.

#### De Minimis Waivers

The proposed amendment would allow the Planning Director to issue de minimis waivers for certain types of development that (1) are consistent with the zoning ordinance, and (2) involve no potential for any adverse effect, either individually or cumulatively on coastal resources or public access to coastal resources where acquired through use or legislative authorization. The amendment includes a list of development types proposed by the County for which coastal permit requirements would be waived and includes, in part: small retaining walls, demolition of non-historic structures, test wells, wetland restoration, removal of contaminated backfill, and property mergers.

#### Cottage Industries

The proposed amendment to the Cottage Industry provisions would (1) set forth additional performance standards for cottage industries to distinguish between cottage industries that require a coastal development permit and those that do not, and (2) move cottage industries from a conditionally permitted use to a principal permitted use in all of the zones where they are currently allowed.

#### Residential Density Bonus Ordinance

The proposed amendment would incorporate the density bonus provisions mandated by Government Code Section 65915 regarding affordable housing. Currently, the certified Coastal Zoning Ordinance does not contain density bonus provisions for affordable housing. As proposed, the amendment would allow a minimum 25% increase over the maximum allowable density (with fractions rounded up) when a developer agrees to construct at least 20% of the total units in a housing development for low or moderate income households or 10% of the total units for lower-income households, or to construct a senior housing project.



### Design Review

The proposed amendment would (1) change the Special Permit requirement to a coastal development permit, and (2) exempt certain additions to existing structures from coastal permit and design review requirements including (1) minor additions to existing structures provided that they meet certain area and height limitations and are not located in a sensitive coastal resource area, and (2) the installation or removal of windows, doors, or siding material provided that new siding material is non-reflective.

### Special Occupancy Parks

The proposed amendment would change the existing Recreational Vehicle provisions to apply to Special Occupancy Parks, which by definition include Recreational Vehicle Parks, Temporary Recreational Vehicle Parks, Incidental Camping Areas, and Tent Camps. The amendment would make changes and additions to the definitions section of the Coastal Zoning Ordinance, and other related sections, to include various changes to the definitions of commercial recreation uses (i.e., types of camping), associated changes to permitted uses in certain zoning districts, and some modifications to the criteria for approving these various uses. According to the County, the proposed zoning ordinance changes are intended to help accommodate nomadic housing consistent with State law.

### Planned Unit Developments

The amendment would make changes to the provisions regarding Planned Unit Developments (PUD) to (1) increase the allowable density standard from 20% to a maximum of 25% for those developments incorporating extraordinary public benefits, (2) add additional residential density standards, and (3) provide updated and more thorough design guidelines.

### Second Residential Units

The proposed amendment would (1) allow second residential units as a principal permitted use in the Residential Single Family (RS) and Rural Residential Agriculture (RA) zoning districts, (2) make changes to permit requirements and development criteria, and (3) add additional supplemental findings required to be made when approving a second residential unit.

### Home Occupations

The amendment would make changes to the provisions regarding Home Occupations to allow for modifications or waivers of Home Occupation standards including location, entry access, physical alterations, and the number of employees upon obtaining a coastal development permit.

The proposed amendment also includes several minor additional changes to the Coastal Zoning Ordinance that do not raise issues of conformance of the Implementation Plan with or its adequacy to carry out and implement the Land Use Plan. These miscellaneous amendments include:

- Reducing permit requirements for caretakers apartments in commercial areas;
- Eliminating the requirement that duplexes be built side-by-side;
- Allowing parkland dedication fees for second units to be paid upon construction of the second unit;
- Clarifying when single-family homes can be allowed on multi-family zoned lots.

### **PART THREE: AMENDMENTS TO LAND USE PLAN**

#### **I. ANALYSIS CRITERIA**

The standard of review for the proposed amendment to the Land Use Plan (LUP) portion of the Humboldt County LCP is the Chapter 3 policies of the Coastal Act.

As submitted, the proposed LUP amendment is not consistent with the policies of the Coastal Act. If modified as suggested, the LUP would be consistent with the Chapter 3 policies of the Coastal Act.

#### **II. FINDINGS FOR DENIAL OF LAND USE PLAN AMENDMENT NO. HUM-MAJ-1-99-B AS SUBMITTED AND CERTIFICATION IF MODIFIED**

The Commission finds and declares as following for LCP Amendment No. HUM-MAJ-1-99-B:

##### **1. DENSITY BONUS AND PLANNED UNIT DEVELOPMENTS**

###### **a. Amendment Description**

The proposed LUP amendment would add a new section to the Introduction of the “Standards for Plan Designations” section in each of the six Area Plans that comprise the County’s Land Use Plan. The proposed amendment would (1) allow for density ranges in land use designations to be exceeded to encourage affordable housing pursuant to Government Code Section 65915, and (2) increase from 20% to 25% an existing residential density bonus for Planned Unit Development (PUD) projects that are designed to provide extraordinary public benefits. The amended language would also allow a variety of housing types and a mixture of residential and commercial uses to encourage the development of affordable housing and the provision of extraordinary public benefits within planned unit developments. Specifically, all six area plans would be identically amended to add the following proposed language in the respective “Standards for Plan Designations” Introduction sections of each area plan (language proposed to be added by the County is shown in underline):

###### **DENSITY BONUSES AND PLANNED UNIT DEVELOPMENTS**

Density ranges described in land use designations may be exceeded to encourage affordable housing production pursuant to §65915 of the California Government Code (Density Bonuses). Density ranges may also be exceeded within Planned Unit Development (PUD’s). Also a variety of housing types and a mixture of residential and commercial uses may be allowed to encourage affordable housing production under the provisions of State law referenced above, and in PUD’s to encourage the provision of extraordinary public benefits within subdivisions.

**b. Relevant Coastal Act Policies**

Coastal Act Section 30108.5

“Land use plan” means the relevant portion of a local government’s general plan, or local coastal element which are sufficiently detailed to indicate the kinds, location, and intensity of land uses, the applicable resource protection and development policies and, where necessary, a listing of implementing actions.

Coastal Act Section 30240

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.
- (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

Coastal Act Section 30233

- (a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:
  - (1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.
  - (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.
  - (3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland; provided, however, that in no event shall the size of the wetland area used for such boating facility, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, be greater than 25 percent of the total wetland area to be restored.
  - (4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities.
  - (5) Incidental public service purposes, including, but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

- (6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.
  - (7) Restoration purposes.
  - (8) Nature study, aquaculture, or similar resource-dependent activities.
- (b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge soils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable longshore current systems.
- (c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetlands or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division.

#### Coastal Act Section 30250

(A) New development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

#### Coastal Act Section 30251

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

#### **c. Analysis**

The proposed LUP amendment raises an issue of consistency with the Coastal Act in that as proposed, it is not sufficiently detailed to indicate the intensity of land use allowable as a result of density increases for affordable housing and planned unit developments.

Affordable Housing Density Bonus

The proposed amendment would include a provision in the County's LUP to provide the density bonus allowances pursuant to Government Code Section 65915 for affordable housing, which would be further implemented by the County's Coastal Zoning Ordinance as proposed to be amended as discussed in Part Four (II)(3) below. Currently, the Land Use Plan includes policies that state that housing opportunities for persons of low and moderate income shall be protected, encouraged, and provided, where feasible. However, the existing LUP has no explicit provision for density bonuses for affordable housing.

Government Code Section 65915 requires local governments to provide residential density increases to developers who agree to develop low-income and senior housing. The statute currently requires that local governments grant a density bonus of at least a 20% increase over the maximum allowable density when a developer agrees to construct at least 10% of the total units in a housing development for lower-income households, or 5% for very low income households, or to construct a senior housing project. The density bonus further rises up to 35% if more than the above-stated minimums of affordable housing are provided. For example, the current land use plan has a Medium Density Residential district with a prescribed gross density of 8 to 30 units per acre. With application of the density bonus provisions, an affordable housing project in this district could be approved with a density of up to 36 to 41 units per acre (i.e., 20-35% increase above 30 units). Government Code Section 65915(b) also requires local governments to grant at least one other incentive, in addition to the density bonus, unless the local government finds that the additional incentive is not necessary to allow for affordable housing. The Commission notes that Government Code Section 65915 has been amended since the County submitted the subject LCP amendment, resulting in various discrepancies among target unit and bonus percentages in the proposed amendment and Code requirements.

Coastal Act Section 30108.5 defines a "land use plan" as being, "...sufficiently detailed to indicate the kinds, location, and intensities of land uses..." As submitted, the LUP amendment does not specifically quantify the maximum allowable land use density for affordable housing, thereby resulting in potentially variable ultimate land use intensities and potential inconsistencies with land use plan resource protection policies. With a general reference to Government Code Section 65915 as proposed, should the requirements of the Code change in the future, it would leave the LUP open to interpretation and subject to change in a manner that may not be consistent with Coastal Act Section 30108.5 and without review by the Commission. For example, if the Government Code were to be amended in the future to allow a maximum density bonus of 50%, the LUP could be interpreted to automatically incorporate this change in the County's coastal zone without the need for further land use plan amendments. As a result, the amendment as proposed leaves what may be ultimate densities unclear and potentially without future Coastal Commission review.

The Commission therefore finds that the proposed LUP amendment as submitted is inconsistent with the Section 30108.5 in that it does not sufficiently detail the intensity of land use with regard to the maximum allowable density bonus for affordable housing and must be denied. The Government Code currently requires local governments to provide at least a 20% density increase and allows up to a 35% density increase when additional affordable units are provided. The County is proposing a minimum 25% increase over density ranges, but does not specify a

maximum allowable density increase. Therefore, the Commission attaches Suggested Modification No. 1 below that would modify the proposed LUP language to specifically state the minimum 25% and maximum 35% allowable density increase consistent with the reference to the current Government Code section. As modified by Suggested Modification No. 1 below, the LUP amendment could be found to be consistent with Section 30108.5 of the Coastal Act and could be approved.

The County's proposed LUP amendment, as submitted, that would include provisions for a residential density bonus does not indicate how density increases and development incentives would be applied consistent with the resource protection policies of the Coastal Act.

As discussed above, Government Code Section 65915(b) requires local governments to grant developers of affordable housing not only a density bonus, but also at least one of the concessions or incentives identified in Section 65915(h) unless the local government finds that the additional concession or incentive is not required to make the development economically feasible. However, Government Code Section 65915 does not indicate how a local government is to choose which incentive to provide. Therefore, the type of incentive to grant is discretionary under the Government Code. Additionally, the Government Code does not specify how the density bonus is to be accommodated. Similarly, how the density increase is accommodated and whether to provide an increase beyond 20% are within the local government's discretion.

The means of accommodating the density bonus and development incentives are not specifically laid out by the proposed LUP amendment. The County's proposed residential density bonus language does not explicitly include incentives for affordable housing that rest on the relaxation of development standards intended to protect coastal resources. In other words, the County has not specifically proposed to encourage affordable housing by allowing construction in or near sensitive coastal resource areas where residential development would ordinarily be prohibited by other policies of the LCP. As development incentives would be determined on an individual project basis, and because the policies allow for County discretion in considering which incentives to grant, the proposed LUP amendment could be implemented in a manner inconsistent with resource protection provisions of the Coastal Act. For example, the proposed policy language could be interpreted as allowing otherwise prohibited fill of a wetland to accommodate an increase in residential density. Therefore, the proposed LUP amendment would not be consistent with the Chapter 3 policies of the Coastal Act.

Government Code Section 65915 was specifically amended in 2002 to include subsection (m) that states, "*Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coast Act (Division 29 (commencing with Section 30000) of the Public Resources Code).*" Therefore, although the Government Code requires local governments to provide certain density bonus and development incentives to encourage affordable housing, the County may not grant such bonuses or incentives if they would result in adverse impacts to coastal resources. For example, if it is determined that the density bonus could be accommodated only by filling coastal wetlands, or by reducing buffer widths needed to protect environmentally sensitive habitat areas in a manner that would lessen the effect of LCP policies intended to protect such resources, the density increase could not be granted.

Therefore, to ensure that that the means of accommodating the density bonus standards of Government Code Section 65915 would not have adverse impacts on coastal resources, and would be consistent with the Chapter 3 policies of the Coastal Act, the Commission attaches Suggested Modification No. 1. The modification would require the County to identify all feasible means of accommodating the density increase with specific consideration toward the effects of such means on coastal resources when reviewing a proposed density increase. The County shall only grant a density increase if it is determined that the means of accommodating the density increase proposed by the applicant would not have an adverse effect on coastal resources. If, however, the County determines that the means for accommodating the density increase proposed by the applicant would have an adverse effect on coastal resources, the County shall not grant the density increase.

#### Planned Unit Development

The existing LUP includes an identical policy in each of the six area plans that encourages the Planned Unit Development concept and provides for an increase of up to 20% over planned densities when extraordinary benefits to the community and the County are provided such as dedication of open space and public access, protection of visual resources and sensitive habitats, and provision of low and/or moderate income units. A Planned Unit Development is defined by the LCP as, *"a development which, on an individual parcel, permits variable parcel sizes but an overall density consistent with the gross densities permitted in the Area Plan in order to provide development compatible with environmental, geologic or topographic features of a parcel."* The planned unit development provisions of the LUP are implemented by corresponding policies in the Coastal Zoning Ordinance.

Similar to the density bonus discussion above, the proposed new introductory language of the LUP amendment is also silent as to the maximum allowable density for planned unit developments. The proposed new introductory language simply states that density ranges may be exceeded, but without sufficient detail to indicate the allowable intensity of land use. For clarity, the proposed new introductory language on PUDs in the LUP should specify the maximum density bonus that would be allowed.

Existing PUD policies elsewhere in the currently certified LUP, and in the IP, do specify that a 20% density bonus is allowed when a PUD provides extraordinary public benefits and adding similarly detailed language to the proposed new introductory language of the LUP regarding PUDs would clarify the new language and make it sufficiently detailed to be consistent with Section 30108.5 of the Coastal Act. However, the 20% bonus is no longer the maximum amount of PUD residential density bonus that the County intends to apply to the PUDs. The proposed Implementation Plan amendment, discussed in Section Four(II)(6) below, proposes to increase the allowable density bonus from 20% to 25% in planned unit developments that meet certain criteria, even though a similar change to the LUP is not proposed, presumably by oversight.

Therefore, as the IP is proposed to be amended from 20% to 25%, modifying the proposed LUP language to specifically include the 25% maximum allowable density increase is appropriate to achieve consistency between the LUP and the IP and to be sufficiently detailed to indicate the intensity of land use for planned unit developments consistent with Coastal Act Section 30108.5. Suggested Modification No. 1 below would specify the maximum allowable density increase for



planned unit developments in the proposed new LUP section. Suggested Modification No. 1 would also include a statement that reflects proposed IP language noting that the 25% density bonus limit for PUDs is the maximum density bonus permitted and that it may not be combined with any other density bonus allowed by County or State regulations if densities greater than 25% would result.

As the decision of whether or not to approve a density increase for PUDs is left to the discretion of the County with minimal approval criteria, the proposed amendment could be implemented in a manner inconsistent with Chapter 3 policies of the Coastal Act. For example, the policy could be interpreted as allowing otherwise prohibited fill of a wetland to accommodate a density increase if the developer enhances sensitive habitats elsewhere as an extraordinary public benefit. Therefore, as submitted, the LUP amendment is not consistent with Chapter 3 policies of the Coastal Act and must be denied.

If modified, the proposed LUP amendment could be found consistent with the Coastal Act. To ensure that the LUP amendment is consistent with the resource protection policies of the Coastal Act, Suggested Modification Nos. 1 and 2 would clarify that the residential density increase shall only be approved if it is determined that the means of accommodating the proposed development standard modifications would not have an adverse effect on coastal resources and would be consistent with all applicable local coastal program policies and development standards.

Additionally, Suggested Modification No. 2 below would change the existing references to the maximum allowable density increase in planned unit developments from 20% to 25%, consistent with the proposed changes to the new introductory language of the LUP amendment regarding PUDs as modified.

In conclusion, the Commission finds that the proposed land use plan amendment is deficient in not explicitly quantifying the maximum allowable density bonus percentage for affordable housing and planned unit developments and in failing to include provisions that ensure that density bonus provisions will be implemented in a manner that is fully protective of coastal resources consistent with the coastal resource protection policies of the Coastal Act. Therefore, the Commission finds that the proposed LUP amendment as submitted is not consistent with the Coastal Act and must be denied. However, the Commission finds that if the LUP amendment were modified according to Suggested Modification No. 1 below to explicitly state the maximum allowable density increases and include language limiting the application of the density bonus in a manner that would not have an adverse effect on coastal resources, and by Suggested Modification No. 2 to ensure consistency between the LUP and IP, the LUP amendment would be consistent with the Chapter 3 policies of the Coastal Act.

**c. Suggested Modifications**

**Suggested Modification No. 1 (Density Bonus and Planned Unit Development):**

Modify the following language proposed by the County as new Section 5.15 in the Eel River, South Coast, McKinleyville, and North Coast Area Plans, as new Section 4.15 in the Trinidad Area Plan, and as a new paragraph to existing Section 4.10 in the Humboldt Bay Area Plan with modifications as follows:



DENSITY BONUSES AND PLANNED UNIT DEVELOPMENTS

Density ranges described in land use designations may be exceeded by a minimum of 25% and a maximum of 35% to encourage affordable housing production pursuant to §65915 of the California Government Code (Density Bonuses) in effect in 2005. Any housing development approved pursuant to Government Code Section 65915 shall be consistent with all applicable certified local coastal program policies and development standards. In reviewing a proposed density increase, the County shall identify all feasible means of accommodating the density increase and consider the effects of such means on coastal resources. The County shall only grant a density increase if the County determines that the means of accommodating the density increase proposed by the applicant does not have an adverse effect on coastal resources. If, however, the County determines that the means for accommodating the density increase proposed by the applicant will have an adverse effect on coastal resources, the County shall not grant the density increase. Density ranges may also be exceeded within Planned Unit Development (PUD's) up to 25% if increasing the density would not have an adverse effect on coastal resources and would be consistent with all applicable local coastal program policies and development standards. The 25% density bonus limit for PUDs is the maximum density bonus permitted; it may not be combined with any other density bonus allowed by County or State regulations if densities greater than 25% would result. Also a variety of housing types and a mixture of residential and commercial uses may be allowed to encourage affordable housing production under the provisions of State law referenced above, and in PUD's to encourage the provision of extraordinary public benefits within subdivisions.

Suggested Modification No. 2 (Planned Unit Development):

Add the following language to the Planned Unit Development sections of the six Area Plans:

D. PLANNED UNIT DEVELOPMENT

2. It shall be the policy of the County to encourage the Planned Unit Development (PUD) concept. Where such utilization would provide extraordinary benefits to the community and to the County, such as: dedications of open space and public access, protection of visual resources and sensitive habitats beyond that already required in Sections 3.41 and 3.42, incentives may include increases of up to ~~20%~~ 25% over planned densities if increasing the density would not have an adverse effect on coastal resources and would be consistent with all applicable local coastal program policies and development standards. The 25% density bonus limit for PUDs is the maximum density bonus permitted; it may not be combined with any other density bonus allowed by County or State regulations if densities greater than 25% would result.

## **PART FOUR: AMENDMENTS TO IMPLEMENTATION PROGRAM**

### **I. ANALYSIS CRITERIA**

The standard of review for the proposed amendment to the Implementation Plan (IP) of the Humboldt County LCP is whether the IP, as amended, conforms with and is adequate to carry out the certified LUP, as amended and modified herein. For the reasons discussed in the findings below, the proposed amendment to the Implementation Program is not consistent with or adequate to carry out the certified Land Use Plan. As modified, the proposed amendment to the IP would conform with and be adequate to carry out the LUP as amended with suggested modifications by Humboldt County LCP Amendment No. 1-99-B.

### **II. FINDINGS FOR DENIAL OF IP AMENDMENT NO. HUM-MAJ-1-99-B AS SUBMITTED AND CERTIFICATION IF MODIFIED**

The Commission finds and declares as following for IP Amendment No. HUM-MAJ-1-99-B:

#### **1. DE MINIMUS COASTAL PERMIT WAIVER**

##### **a. Amendment Description**

The County proposes an amendment to the Coastal Zoning Ordinance that would add procedures for issuing de minimus coastal permit waivers for certain types of development. Currently, the County issues coastal development permits through a regular hearing process or an administrative process. The proposed amendment would allow the Planning Director to issue de minimus waivers for certain types of development that (1) is consistent with the zoning ordinance, and (2) involves no potential for any adverse effect, either individually or cumulatively on coastal resources or public access to coastal resources where acquired through use or legislative authorization. The amendment includes a list of development types proposed by the County for which coastal permit requirements would be waived and includes, in part: small retaining walls, demolition of non-historic structures, test wells, wetland restoration, removal of contaminated backfill, and property mergers.

The proposed amendment also sets forth procedures and findings necessary to issue a de minimus waiver. As proposed, among the findings that would have to be made are that the development is: (1) in conformance with the General Plan; (2) consistent with the zoning regulations; (3) not detrimental to public health, safety and welfare; (4) outside of coastal resource areas; and (5) not appealable to the Coastal Commission, or within an area of the Commission's retained permit jurisdiction. If a development meets the criteria and the findings can be made, the Planning Director would issue a de minimus waiver. The proposed provisions also include application and noticing procedures. Additionally, the County's proposed language provides that if any referral agency, member of the Planning Commission, or Coastal

Commission, or any member of the public requests that the waiver not be issued, the applicant would be advised that a coastal development permit is required if the applicant wishes to proceed with the development.

**b. Analysis**

Coastal Act Section 30624.7 and its implementing regulations, Section 13238, contain the procedures for the waiver of some coastal permit requirements for development that is de minimus. A de minimus project is defined as a development that involves no potential for any adverse effect, either individually or cumulatively, on coastal resources and that is consistent with the policies of Chapter 3 of the Coastal Act and the certified LCP. The provisions of the Coastal Act and the regulations regarding de minimus waivers prohibit local governments from issuing waivers for development which is appealable under Section 30603 of the Coastal Act, or where the Commission retains permit authority.

The ability to waive some permit procedures under certain conditions can help minimize effort of the local government and streamline permit processes on projects of a very minor nature in locations where coastal resources would not be affected by any potential individual or cumulative impacts. However, waivers do not eliminate the requirements of the Coastal Act to provide public participation in such decisions and thus, local governments must still provide the minimum notice and written findings stating the basis of the waiver.

The de minimus waiver provisions proposed by the County resemble those found in Coastal Act Section 30624.7 and are generally consistent with guidance provided by Commission staff to local governments regarding drafting ordinances to streamline LCP permit procedures (*Local Assistance Notes, May 1988, Number 4*). The provisions proposed by the County include adequate procedures for noticing a de minimus permit application, providing public comment, and preparing a notice of final action. Additionally, the County's proposed language provides that if any referral agency, member of the Planning Commission, or Coastal Commission, or any member of the public requests that the waiver not be issued, the applicant would be advised that a coastal development permit is required if the applicant wishes to proceed with the development. Thus, a mechanism would be in place for the Coastal Commission and the public to object to the processing of particular coastal development permit applications as de minimus waivers if the Commission believes that an application does not meet the criteria for a de minimus waiver (i.e., if the Commission believes it would have adverse impacts either individually or cumulatively on coastal resources or would be inconsistent with the certified LCP).

However, there are some inconsistencies between the language of the proposed provisions and the requirements of the Coastal Act regarding de minimus waiver definitions, procedures, and processes. As proposed, the amendment would allow some development projects that have potential adverse impacts on coastal resources and/or are not consistent with the certified LCP to be granted de minimus waivers. Therefore, the proposed amendment as submitted is not consistent with Section 30624.7 of the Coastal Act and does not conform with and carry out various resource protection policies of the LUP as modified that protect coastal resources from the impacts of development and must be denied. However, the Commission finds that with certain suggested modifications, as shown in detail in section (b) below, to ensure consistency

with the proposed de minimus waiver provisions of the Coastal Act and to ensure internal consistency within the proposed provisions, the Implementation Plan amendment would be consistent with Section 30624.7 of the Coastal Act and conform to and carry out the policies of the LUP, as modified.

Suggested Modification No. 4 would modify the proposed definition of “de minimus waiver” to clarify that development considered to be de minimus must be consistent with the certified LCP, not only the zoning ordinance as stated by the proposed language. This modification would ensure that a de minimus waiver is not granted for a coastal development that is inconsistent with a policy of the certified LUP that is not expressly reflected in a standard of the zoning ordinance. In such a situation, the proposed development might arguably be consistent with the zoning ordinance, and thus waivable under the proposed language of the IP amendment, even though the development is inconsistent with the LUP. Suggested Modification No. 5 would revise proposed language regarding the applicability of the de minimus waiver provisions to clarify that de minimus projects are those that involve no potential for any adverse effects, either individually or cumulatively, on coastal resources, including public access to coastal resources, and that are consistent with the certified LCP. As submitted, the proposed amendment does not include language limiting the applicability of the de minimus waivers not only to projects without potential adverse impacts on coastal resources, but to those projects that are consistent with the certified LCP as well.

Additionally, Suggested Modification No. 5 would modify the proposed section that outlines specific types of development that would qualify for processing as a de minimus waiver. Although many developments of the kinds listed would not have adverse impacts and would be fully consistent with the LCP, several types of development listed by the County, such as wetland restoration and removal of contaminated backfill and materials, do in fact have the potential for adverse impacts to coastal resources. For example, wetland restoration is a type of development that by its nature often requires numerous specific special conditions regarding methods and monitoring to ensure its success at restoring coastal wetlands without resulting in adverse impacts to water quality or sensitive species. Similarly, the removal of contaminated backfill and contaminated materials has the potential for adverse impacts to coastal resources, such as water quality or habitat destruction, if the methods of removal and disposal are not carefully considered and conditioned. Because these types of development as proposed would almost always require special conditions to ensure that no adverse impacts to coastal resources occur, and to ensure consistency with the certified LCP, they would not qualify for processing as a de minimus waiver, and therefore, are not appropriate to be listed as types of de minimus development. Suggested Modification No. 5 would delete these development types from the County’s proposed list of development types that could be considered de minimus.

Suggested Modification No. 6 below would delete references to conditions of approval and procedures of appeal in the section outlining requirements of notices of intent to issue de minimus waivers and notices of final action. By definition, de minimus development has no potential for adverse impacts either individually or cumulatively, and therefore, does not require conditions of approval. If it is determined that a particular proposed development does require special conditions to ensure protection of coastal resources, the development would not qualify for processing as a de minimus waiver, and a regular coastal development permit would be

required. Similarly, by definition, the de minimus waiver provisions do not apply to appealable development. Therefore, deleting reference to conditions of approval and procedures of appeal would ensure that the de minimus waiver provisions are internally consistent with the definition and criteria of de minimus development.

Lastly, Suggested Modification No. 7 below would make revisions to the proposed section outlining the required findings for de minimus waivers. The modifications would clarify that the proposed development must be in conformance with the certified LCP, rather than the County General Plan as suggested by the proposed language. The certified LCP is the standard of review for coastal development permit applications, not the general plan which includes many policies that have not been reviewed and certified by the Commission. Additionally, Suggested Modification No. 7 would add language to clarify that while proposed de minimus development may be found to have no potential for any adverse effects on coastal resources, including public access to coastal resources, for reasons listed by the County, such a determination is not limited to those reasons specifically listed. In other words, just because a development does not have adverse impacts on coastal resources for the reasons listed in the proposed amendment does not mean that the project does not have adverse impacts on coastal resources. There may be other reasons why a project would adversely affect coastal resources and the Planning Director should not be limited to only reviewing certain aspects of a proposed development in determining whether the proposed development could have adverse impacts on coastal resources and could be granted a de minimus waiver. Such reasons should be considered and included in the findings of approval.

In conclusion, as submitted, the zoning ordinance amendment regarding de minimus waivers is not fully consistent with the provisions of Coastal Act Section 30624.7 for implementing procedures for reviewing and approving de minimus development and does not conform with and carry out the resource protection policies of the LUP as modified and must be denied. However, if modified with the suggested modifications below, the Implementation Plan amendment would be consistent with the provisions of Coastal Act Section 30624.7 and would conform to and carry out the LUP, as modified.

**d. Suggested Modifications**

**Suggested Modification No. 4 (De Minimus Waivers)**

Revise the proposed definition of De Minimus Waiver as follows:

De Minimus Waiver. The waiver of some coastal development permit requirements for development that 1) is consistent with the **certified LCP** ~~zoning ordinance~~, and 2) involves no potential for any adverse effect; either individually or cumulatively on coastal resources or public access to coastal resources where acquired through use, ~~or legislative authorization~~, **easements or deed restrictions**.

**Suggested Modification No. 5 (De Minimus Waivers)**

Revise proposed Section A315-28 as follows:

Section A315-28 DE MINIMUS WAIVERS FROM PERMIT REQUIREMENTS

A. Applicability. The procedural requirements of this chapter may be waived by the Planning Director to simplify the review of ~~small projects that~~ **involve no potential for any adverse effects, either individually or cumulatively, on coastal resources and that are consistent with the certified LCP.** ~~will have no adverse impacts on coastal resources.~~

B. Criteria for Waiver of Procedures.

The procedural requirements of this Chapter may be waived by the Planning Director to allow the following development:

Construction of retaining walls less than 4 feet in height with a maximum surface area of 100 square feet.

Demolition of non-historic structures.

Placement of private test water supply wells.

"One for one" replacement or abandonment of minor utilities.

Repair and replacement work associated with underground and above ground storage tanks.

~~Wetland restoration.~~

~~Removal of contaminated backfill and contaminated soil.~~

Installation of monitoring wells, vadose wells, temporary well points, and vapor points, and

Merger of property.

**Suggested Modification No. 6 (De Minimus Waivers):**

Revise proposed Section A315-28(D)(5) and (6) as follows:

(5) At the time a Notice of Intent To Issue A de Minimus Waiver is provided to the public, the Planning Director shall also report to the referral agencies and each Planning Commission member the project description, recommended action, ~~conditions of approval,~~ and findings for each project under review pursuant to this section. A copy of the report shall also be available for public inspection at the Planning Department ten (10) calendar days prior to issuing the waiver.

(6) Notice of final action on an application for a de Minimus waiver shall be given as follows:

...

(c) The notice shall include the following information:

- (i) The action taken,
- (ii) The effective date and expiration date,
- (vi) Written findings,
- ~~(vii) Conditions of approval;~~
- ~~(viii) Procedures of appeal if applicable.~~

...

**Suggested Modification No. 7 (De Minimis Waivers):**

Revise proposed section A315-28(E)(a) and (e) as follows:

E. Findings. De Minimis Waivers may only be issued for development that meets all of the following criteria:

(a) The proposed development is in conformance with the ~~certified LCP County General Plan~~;

...

(e) The proposed development involves no potential for any adverse effects, either individually or cumulatively on coastal resources ~~because~~ **for reasons including, but not limited to, the following:**

- The project does not involve the presence of mechanized equipment or construction materials within 50 feet of an environmentally sensitive habitat area, or any sand area; or within 50 feet of coastal waters or streams,
- Within designated coastal view and coastal scenic areas, the project has no potential to impair visual resources,
- There is no potential for the project to block or otherwise impede the public right of access to the coast where acquired through use or by legislative authorization, and,
- The project does not require any discretionary permits.
- **The project does not have any impact on public access to coastal resources where acquired through use, legislative authorization, easements or deed restrictions.**

**2. COTTAGE INDUSTRIES**

**a. Amendment Description**

The County proposes an amendment to the Cottage Industry provisions of the Coastal Zoning Ordinance that would (1) set forth additional performance standards for cottage industries to distinguish between cottage industries that require a coastal development permit and those that do not, and (2) move cottage industries from a conditionally permitted use to a principal permitted use in all of the zones where they are currently allowed. Cottage industries are defined in the County's LCP as "*establishments primarily engaged in the on-site production of goods by hand manufacturing which involves only the use of hand tools or domestic mechanical equipment or a single kiln, and the incidental direct sales to consumers of only those goods produced on-site.*"

Currently, cottage industries are a conditionally permitted use in the Commercial Neighborhood (CN), Residential Single Family (RS), Mixed Residential (R2), Rural Residential Agriculture (RA), Agriculture Exclusive (AE), Commercial Timber (TC), and Timberland Production (TPZ) zoning districts and are subject to a few performance standards such as: limiting the total land area occupied by the cottage industry to two acres, limiting the sale of merchandise on site to that related to the industry, allowing one sign attached to the structure, and limiting the number of employees and hours of operation through permit conditions.

The proposed amendment would move cottage industries from a conditionally permitted use to a principally permitted use within all of the zoning districts where they are currently allowed (i.e., CN, RS, R2, RA, AE, TC, and TPZ zoning districts) and would distinguish between those cottage industries allowed as an "appurtenant and accessory use" and cottage industries allowed as an "accessory use with a coastal development permit" based on respective performance standards. The amendment would limit the existing performance standards that currently apply to all cottage industries to apply only to those cottage industries allowed as an accessory use with a coastal development permit. A new section of more stringent performance standards would be added to apply to cottage industries that are allowed as an "appurtenant and accessory use," presumably without a coastal development permit. These proposed performance standards include limitations regarding: total floor area, structural, electrical, and plumbing alterations, ambient noise levels, lighting, traffic levels, and perceptible vibrations. This set of standards also requires that the dwelling on the site be occupied by the owner of the cottage industry, that no persons other than residents of the dwelling be employed to conduct the cottage industry, and that the cottage industry not be evident in the external appearance of the dwelling or premises. Both sets of performance standards would also be amended to prohibit on-site sales and require that a business license be obtained for the cottage industry.

**b. Relevant LUP/Coastal Act Policies**

The certified LUP directly incorporates a number of Chapter 3 policies of the Coastal Act, including sections 30250(a), 30251, and 30240. These policies are as follows:

**LUP/Coastal Act Policy 30250(a)**

New development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public



services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

LUP/Coastal Act Policy 30251

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

LUP/Coastal Act Policy 30240

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

LUP/Coastal Act Policy 30106

“DEVELOPMENT” – means, on land, in or under water, the placement or creation of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid or thermal waste; grading, removing, dredging, mining or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66-410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition or alteration of the size of any structure, including any facility of any private, public or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z’berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).

**c. Analysis**

The proposed amendment as submitted raises issues with its ability to conform with and carry out the LUP with regard to (1) coastal permit requirements, (2) provision of adequate public services, (3) protection of visual resources, and (4) protection of environmentally sensitive habitat areas.

Coastal Development Permit Requirements/ Adequate Public Services

The proposed amendment would allow cottage industries to be considered as principally permitted appurtenant and accessory uses to the residential use in the above noted zoning districts. As a principal permitted use rather than a conditionally permitted use, cottage industries would no longer be automatically appealable to the Coastal Commission pursuant to Coastal Act Section 30603(a)(4). However, those proposed cottage industries constituting development that require a coastal development permit pursuant to the Coastal Act and the Commission's regulations that would be located in the geographic appeal areas specified in Section 30603 of the Coastal Act would still be appealable to the Commission. These geographic appeal areas include those areas located between the sea and the first public road paralleling the sea, or within three hundred feet of the inland extent of any beach, or of the mean high tide line of the sea where there is no beach, or within one hundred feet of any wetland or stream, or within three hundred feet of the top of the seaward face of any coastal bluff, or those located in a sensitive coastal resource area. Thus, permits for those cottage industries in locations most likely to raise concerns about impacts to coastal resources would remain appealable to the Commission.

Distinguishing between performance standards that apply to cottage industries "allowed as appurtenant and accessory uses" and those that are allowed as an "accessory use with a coastal development permit" as proposed, implies that certain low-impact cottage industries internal to owner-occupied homes that meet the criteria outlined in the performance standards for appurtenant and accessory uses do not require a coastal development permit. However, this determination is not explicit in the proposed text and therefore, could lead to interpretation problems as to which cottage industries require coastal permits and which do not. In addition, proposed cottage industries that involve the addition to an existing structure or the installation of a new detached structure in many cases would in fact, involve development that is not exempt from coastal development permit requirements under the Coastal Act and the Commission's regulations, and the County's proposed amendment indicating that no such permits would be required would conflict with the Coastal Act and the Commission's regulations. Furthermore, the Commission finds that even cottage industries that operate completely internal to an existing residence could be development requiring a coastal development permit if the development increases the intensity of use by significantly increasing the demand for services including water and septic systems. Therefore, the proposed Implementation Plan amendment would not be consistent with coastal development permit requirements of the Coastal Act and must be denied. However, the Commission finds that the amendment could be modified to be made consistent with Coastal Act requirements and certified if so modified.

Coastal development permits are required for all "development," which is defined by Section 30106 of the Coastal Act and incorporated into the County's LUP as follows:

"on land, in or under water, the placement or creation of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid or thermal waste; grading, removing, dredging, mining or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the

Subdivision Map Act (commencing with Section 66-410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition or alteration of the size of any structure, including any facility of any private, public or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).”

Section 30610(a) of the Coastal Act exempts certain additions to existing single family residential structures from coastal development permit requirements. Pursuant to this exemption, once a house has been constructed, certain additions and accessory buildings that the applicant might propose in the future are normally exempt from the need for a permit or permit amendment.

To avoid such impacts to coastal resources from the development of otherwise exempt additions to existing homes, Section 30610(a) requires the Commission to specify by regulation those classes of development that involve a risk of adverse environmental effects and require that a permit be obtained for such improvements. Pursuant to Section 30610(a) of the Coastal Act, the Commission adopted Section 13250 of Title 14 of the California Code of regulations. Section 13250 generally exempts strictly interior modifications of existing structures from coastal permit requirements. As proposed, the performance standards limit the use to no more than 25% or 1,000 square feet (whichever is less) of the floor area of the dwelling or accessory structure and do not allow persons other than the residents of the dwelling to be employed to conduct the cottage industry. The proposed performance standards are generally restrictive enough to ensure protection of coastal resources and, as an internal use, would generally meet the criteria for a use that is exempt from coastal permit requirements. However, as proposed, the performance standards could conflict with Section 13250 of the Commission’s regulations. Section 13250 exempts some proposed detached residential structures and some exterior modifications to existing single-family homes from coastal development permit requirements, but not all. For example, significant non-attached residential accessory structures located between the first through public road and the sea and other improvements located within 50 feet of a coastal bluff or within a wetland or ESHA are not exempt.

To ensure that the cottage industry zoning amendment does not include language that exempts all proposed new accessory structures or additions to residences proposed to accommodate proposed new cottage industry uses from coastal development permit requirements in conflict with the provisions of Section 30610 of the Coastal Act and Section 13250 of the Commission’s regulations, the Commission attaches Suggested Modification No. 9. Among other things, the suggested modification would modify the proposed language for cottage industries to be allowed as appurtenant and accessory uses to clarify that a coastal development permit will be required for a new accessory structure or enlarged residence that is proposed to accommodate a proposed new cottage industry if the proposed new structure or addition is not otherwise exempt from coastal development permit requirements under Section 13250 of the Commission’s regulations.

To avoid interpretation problems as to which cottage industries require coastal development

permits and which do not, Suggested Modification No. 9 would clarify that only those cottage industries that are established in an existing permitted residence or accessory structure and that meet all of the performance standards for cottage industries allowed as an “appurtenant and accessory use” do not require a coastal development permit.

As noted above, certain cottage industries that do not require new additions or accessory structures and are internal to existing residences may nonetheless constitute development as a change in the intensity of use. For the most part, the proposed ordinance language limits the kinds of cottage industries that could be approved without a coastal development permit as appurtenant and accessory structures to exclude those cottage industries that would constitute a change in the intensity of use. However, the proposed standards do not address those proposed cottage industries that would in fact constitute changes in the intensity of use of land and thus “development” by significantly increasing the need for public services, such as water. As noted above, the performance standards prohibit employees other than residents of the dwelling to conduct the cottage industry, which would largely limit the need for increased services. However, depending on the type of industry proposed, certain activities could significantly increase the use of water, reflecting a significant intensification of use of the building where the cottage industry is located and hence constitute “development” that could be inadvertently allowed without the need to secure a coastal permit and without being evaluated for its effects on coastal resources. For example, an industry involving the production of food or beverage products, or a plant nursery, which generally require significant volumes of water, if located outside of a municipal water district service area or an area with marginal well water, could significantly increase the consumption of water. Over-taxing wells for such uses could lead to drawdown of an aquifer, which could adversely affect wetlands that rely on groundwater as their water source.

Therefore, the Commission attaches Suggested Modification No. 8 to add an additional performance standard requiring that the cottage industry not significantly increase the need for services. Thus, a cottage industry that meets the performance standards outlined in Section A314-12(C), as modified, would not be considered development for purposes of coastal permit requirements. Those cottage industries that do not meet all of the performance standards of Section A314-12(C) would be subject to the performance standards of Section A314-12(D) and would require a coastal development permit, which would require evaluation of the proposed cottage industry for conformance with all relevant policies of the LCP, including those policies requiring that approved development have adequate public services. Thus, the potential for increased demand on existing, or the need for additional services would be required to be specifically evaluated as part of the coastal permit review process.

Therefore, as modified to ensure that a cottage industry considered exempt from coastal permit requirements would not increase the demand for services, and by clarifying which cottage industries require a coastal permit, the IP would conform with and be adequate to carry out LUP policies regarding services and coastal permit requirements.

#### Visual Resources

The LUP incorporates Coastal Act Section 30251 and states that the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance, and that

permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, and to be visually compatible with the character of surrounding areas. New development in highly scenic areas shall be subordinate to the character of its setting. Section 30250(a), also incorporated into the LUP, requires that development be sited and designed to avoid individual and cumulative impacts on coastal resources.

The cottage industries that conform with the proposed performance standards listed in Section A314-12(C), and as modified by Suggested Modification Nos. 8 and 9 discussed above as appurtenant and accessory uses not requiring a coastal development permit, would not involve new accessory structures or additions to existing structures and would not result in adverse impacts on visual resources. In addition, the performance standards prohibit those cottage industries allowed without a coastal development permit from producing evidence of their existence in the external appearance of the dwelling or premises. This standard prohibits, for example, equipment and storage of materials used for industry purposes on the property in a manner that could result in adverse impacts to coastal views and/or the character of the surrounding area. Furthermore, the performance standards require that all lights be directed on site and shielded to reduce glare to adjacent areas, which further limits the potential for adverse impacts to visual resources.

Those proposed cottage industries that conform with the performance standards of Section 314-12(D) would be permitted with a coastal development permit. These performance standards limit the cottage industry, in part, to (1) only one structurally attached sign not to exceed two square feet, (2) occupying no more than two acres of total land area, including portions of the lot occupied by buildings, storage areas, and work places devoted to the cottage industry, and (3) prohibit on site sales. The sign size standard is protective of visual resources because signs of such limited size are generally too small to cause any significant impacts on views to the ocean or to community character. Furthermore, any proposed development involving the construction or expansion of dwellings or accessory structures for purposes of accommodating a cottage industry would require a coastal development permit and would require evaluation of the proposed cottage industry for conformance with all relevant policies of the LCP, including the visual resource policies. Moreover, the prohibition of on-site sales would reduce visual impacts by reducing the amount of visible activity associated with the cottage industry, such as gathering of people and the parking of unusual amounts of vehicles in a residential neighborhood, thereby helping ensure the use would be compatible with the character of the surrounding area.

Therefore, as the performance standards would reduce the visual impact of proposed cottage industries to a level of insignificance and would act to protect coastal views and ensure the proposed use would be compatible with the character of the surrounding area, the Commission finds that the proposed amendment to Section 314-12 of the IP, Cottage Industries, conforms with and is adequate to carry out the LUP regarding visual resources.

#### Environmentally Sensitive Habitat Areas

The LUP incorporates Coastal Act Section 30240 which requires that environmentally sensitive habitat areas (ESHA) be protected against any significant disruption of habitat values, and that only uses dependent on such resources be allowed within such areas. The policy further requires that development in areas adjacent to environmentally sensitive habitat areas and parks and

recreation areas be sited and designed to prevent impacts which would significantly degrade such areas, and be compatible with the continuance of such habitat areas.

The cottage industries that conform with the proposed performance standards listed in Section A314-12(C), and as modified by Suggested Modification Nos. 8 and 9 discussed above as appurtenant and accessory uses not requiring a coastal development permit, would not involve new accessory structures or additions to existing structures and would not result in adverse impacts to environmentally sensitive habitat areas. In addition, the performance standards prohibit those cottage industries allowed without a coastal development permit from producing evidence of their existence in the external appearance of the dwelling or accessory structure. Thus, a cottage industry allowed pursuant to this section is required to operate internal to an existing structure in a manner that would not result in additional structures, or storage of materials associated with the industry, from potentially encroaching into an ESHA or a buffer area required to protect an ESHA. Furthermore, the performance standards in this section require that all light be directed on site and shielded to reduce glare to adjacent areas, and limits increases of exterior ambient noise levels anywhere on the site to no more than 5 dB. These standards would further ensure that no significant disruption occurs to ESHA, or ESHA buffers, either on or adjacent to the site as a result of the cottage industry.

Those proposed cottage industries that conform with the performance standards of Section 314-12(D) would be permitted with a coastal development permit. These performance standards limit the cottage industry to occupying no more than two acres of total land area, including portions of the lot occupied by buildings, storage areas, and work places devoted to the cottage industry. As any proposed development involving the construction or expansion of dwellings or accessory structures that could potentially impact environmentally sensitive habitat areas within the allowable two acre area would require a coastal development permit, an evaluation of the proposed cottage industry for conformance with all relevant policies of the LCP would be required, including the environmentally sensitive habitat area policies.

Therefore, as the performance standards would ensure that proposed cottage industry uses would be sited and designed to prevent impacts that would significantly degrade environmentally sensitive habitat areas, the Commission finds that the proposed amendment to Section 314-12 of the IP, Cottage Industries, conforms with and is adequate to carry out the LUP regarding the protection of environmentally sensitive habitat areas.

#### Principally Permitted Use

As discussed in Section 9. of the findings below, since the IP lists several principal permitted uses in the Commercial Neighborhood (CN), Residential Single Family (RS), Mixed Residential (R2), Rural Residential Agriculture (RA), Agriculture Exclusive (AE), Commercial Timber (TC), and Timberland Production (TPZ) zoning districts with no single use designated as *the* “principal permitted use,” the IP is interpreted such that every development permitted as a principal permitted use in a particular zoning district is appealable to the Commission. This creates a cumbersome and unnecessary problem that can be rectified by identifying one “principal permitted use” for purposes of appeals to the Coastal Commission. Therefore, Suggested Modification Nos. 24, 28, 30, 31, 32, 33, and 34 would identify one “principal permitted use” for these zoning districts for purposes of appeals to the Coastal Commission

pursuant to Section 312-13.12.3 of the County's Coastal Zoning Ordinance and Section 30603(a)(4) of the Coastal Act.

**c. Suggested Modifications**

**Suggested Modification No. 8 (Cottage Industries):**

Add the following language to Section A314-12(C)(1) as follows:

(C). Performance Standards For Cottage Industries Allowed As Appurtenant And Accessory Use.

(1) Cottage Industries allowed as a principally permitted appurtenant and accessory use to the residential use shall comply with all the following performance standards in addition to the applicable Industrial Performance Standards of A314-18:

...

**(n) The cottage industry shall not significantly increase demand for, or require significant amounts of additional services including water, sewer, septic, or wastewater treatment.**

**Suggested Modification No. 9 (Cottage Industries)**

Add subsection (2) to revised Section A314-12(C), "Performance Standards For Cottage Industries Allowed As Appurtenant And Accessory Use" as follows:

**(2) No coastal development permit is required for cottage industries that conform with the performance standards of (a)–(n) above if established in an existing, permitted residence or accessory structure. A coastal development permit will be required for a new accessory structure or enlarged residence in which such cottage industry is to be located that is not otherwise exempt from coastal development permit requirements pursuant to Title 14, California Code of Regulations Section 13250(b).**

**3. DENSITY BONUS ORDINANCE**

**a. Amendment Description**

The County proposes to add a new section to the Coastal Zoning Ordinance regarding the provision of density bonuses for affordable housing developments. The existing Humboldt County LUP states, "*Housing opportunities for persons of low and moderate income shall be protected, encouraged, and provided, where feasible. New housing in the Coastal Zone shall be developed in conformity with the goals, policies, standards, and programs of the Humboldt County Housing Element.*" The proposed Residential Density Bonus Ordinance would be added to the IP to implement the intent of the LUP as modified and discussed in finding II (1)(c) above,



and to implement the density bonus provisions mandated by Government Code Section 65915 regarding affordable housing.

Government Code Section 65915 requires local governments to provide residential density increases to developers who agree to develop low-income and senior housing. The statute currently requires that local governments grant a density bonus of at least a 20% increase over the maximum allowable density when a developer agrees to construct at least 10% of the total units in a housing development for lower-income households, or 5% for very low income households, or to construct a senior housing project. The density bonus further rises up to 35% if more than the above-stated minimums of affordable housing are provided. For example, the current land use plan has a Medium Density Residential plan designation with a prescribed gross density of 8 to 30 units per acre. With application of the density bonus provisions, an affordable housing project in this district could be approved with a density of up to 36 to 41 units per acre (i.e., 20-35% increase above 30 units) based on the total number of affordable units proposed as part of the development. Government Code Section 65915(b) also requires local governments to grant at least one other incentive, in addition to the density bonus, unless the local government finds that the additional incentive is not necessary to allow for affordable housing.

The proposed amendment would incorporate the density bonus provisions mandated by Government Code Section 65915 regarding affordable housing. Currently, the certified Coastal Zoning Ordinance does not contain density bonus provisions for affordable housing. As proposed, the amendment would allow a minimum 25% increase over the maximum allowable density (with fractions rounded up) when a developer agrees to construct at least 20% of the total units in a housing development for low or moderate income households or 10% of the total units for lower-income households, or to construct a senior housing project. The Commission notes that Government Code Section 65915 has been amended since the County submitted the subject LCP amendment, resulting in various discrepancies among target unit and bonus percentages in the proposed amendment and Code requirements. Additionally, consistent with Government Code Section 65915, the proposed amendment allows additional incentives or concessions to be granted by the County to make the housing development economically feasible. These proposed incentives include, but would not be limited to, reducing site development standards or architectural design requirements, allowing mixed-use development, granting a density bonus of more than 25%, or providing financial subsidies.

The proposed amendment also includes definitions related to affordable housing, application requirements, and provisions for terms of a Density Bonus Housing Agreement between the County and the developer part of which would ensure that the units remain affordable for a specified period of time.

**b. Relevant LUP Policies**

LUP Section 5.15 (Eel River, South Coast, McKinleyville, and North Coast Area Plans), Section 4.15 (Trinidad Area Plan), and Section 4.10 (Humboldt Bay Area Plan):

**DENSITY BONUSES AND PLANNED UNIT DEVELOPMENTS**



Density ranges described in land use designations may be exceeded by a minimum of 25% and a maximum of 35% to encourage affordable housing production pursuant to §65915 of the California Government Code (Density Bonuses) in effect in 2005. Any housing development approved pursuant to Government Code Section 65915 shall be consistent with all applicable certified local coastal program policies and development standards. In reviewing a proposed density increase, the County shall identify all feasible means of accommodating the density increase and consider the effects of such means on coastal resources. The County shall only grant a density increase if the County determines that the means of accommodating the density increase proposed by the applicant does not have an adverse effect on coastal resources. If, however, the County determines that the means for accommodating the density increase proposed by the applicant will have an adverse effect on coastal resources, the County shall not grant the density increase. Density ranges may also be exceeded within Planned Unit Development (PUD's) up to 25% if increasing the density would not have an adverse effect on coastal resources and would be consistent with all applicable local coastal program policies and development standards. The 25% density bonus limit for PUDs is the maximum density bonus permitted; it may not be combined with any other density bonus allowed by County or State regulations if densities greater than 25% would result. Also a variety of housing types and a mixture of residential and commercial uses may be allowed to encourage affordable housing production under the provisions of State law referenced above, and in PUD's to encourage the provision of extraordinary public benefits within subdivisions.

LUP/Coastal Act Section 30240

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.
- (c) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

LUP/Coastal Act Section 30233

- (a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:
  - (1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.
  - (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

- (3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland; provided, however, that in no event shall the size of the wetland area used for such boating facility, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, be greater than 25 percent of the total wetland area to be restored.
  - (4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities.
  - (5) Incidental public service purposes, including, but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.
  - (6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.
  - (7) Restoration purposes.
  - (8) Nature study, aquaculture, or similar resource-dependent activities.
- (b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge soils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable longshore current systems.
- (c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetlands or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division.

LUP/Coastal Act Section 30250

(B) New development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

LUP/Coastal Act Section 30251

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where

feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

**c. Analysis**

The County's proposed IP amendment as submitted that would include a Residential Density Bonus Ordinance does not indicate how density increases and development incentives would be applied consistent with the limits on density bonus and development incentives of the PUD provisions of the LUP as modified, and the resource protection policies of the Land Use Plan and zoning ordinance.

As discussed above, Government Code Section 65915(b) requires local governments to grant developers of affordable housing not only a density bonus but also at least one of the concessions or incentives identified in Section 65915(h) unless the local government finds that the additional concession or incentive is not required to make the development economically feasible. However, Government Code Section 65915 does not indicate how a local government is to choose which incentive to provide. Therefore, the type of incentive to grant is discretionary under the Government Code. Additionally, the Government Code does not specify how the density bonus is to be accommodated. Similarly, how the increase is accommodated and whether to provide an increase beyond 20% are within the local government's discretion.

The means of accommodating the density bonus and development incentives are not specifically laid out by the proposed IP amendment. The County's proposed Residential Density Bonus Ordinance does not explicitly include incentives for affordable housing that rest on the relaxation of development standards intended to protect coastal resources. In other words, the County has not specifically proposed to encourage affordable housing by allowing construction in or near sensitive coastal resource areas where residential development would ordinarily be prohibited by other policies of the LCP. The proposed language of subsection (E) regarding Development Incentives indicates that the need for incentives will vary for different housing developments and therefore, the allocation of additional incentives are to be determined on a case-by-case basis. The amendment goes on to outline the types of additional incentives that may be considered, but states that incentives are not limited to those listed. Examples of listed incentives include a reduction of site development standards or a modification of zoning code requirements such as reduced minimum lot sizes and dimensions and minimum yard setbacks, and increased maximum lot coverage and building height. The listed development incentives also include a general provision stating, "*Other regulatory incentives or concessions proposed by the developer or the County which result in identifiable cost reductions or avoidance.*" As development incentives would be determined on an individual project basis, and because the policies allow for County discretion in considering incentives that are not specifically listed, this section of the proposed amendment could be implemented in a manner inconsistent with resource protection provisions of the Land Use Plan. For example, the proposed policy language regarding developer incentives could be interpreted as allowing otherwise prohibited fill of a wetland to accommodate a reduction of site development standards such as reduced lot sizes and increased

lot coverage. Therefore, the proposed IP amendment would not conform with or adequately carry out the coastal resource protection policies of the LUP and must be denied.

Government Code Section 65915 was specifically amended in 2002 to include subsection (m) that states, "*Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coast Act (Division 29 (commencing with Section 30000) of the Public Resources Code).*" Therefore, although the Government Code requires local governments to provide certain density bonus and development incentives to encourage affordable housing, the County may not grant such bonuses or incentives if they would result in adverse impacts to coastal resources. For example, if it is determined that the density bonus could be accommodated only by filling coastal wetlands, or by reducing buffer widths needed to protect environmentally sensitive habitat areas in a manner that would lessen the effect of LCP policies intended to protect such resources, the density increase could not be granted.

Therefore, to ensure that that the means of accommodating the density bonus standards of Government Code Section 65915 would not have adverse impacts on coastal resources, and would be consistent with the residential density bonus and coastal resource protection policies of the LUP, the Commission attaches Suggested Modification No. 10. The modification would add a Procedures of Approval section that would require the County to identify all feasible means of accommodating the density increase with specific consideration toward the effects of such means on coastal resources when reviewing a proposed density increase. The County shall only grant a density increase if it is determined that the means of accommodating the density increase proposed by the applicant would not have an adverse effect on coastal resources. If, however, the County determines that the means for accommodating the density increase proposed by the applicant would have an adverse effect on coastal resources, the County shall not grant the density increase.

Similarly, to ensure that the means of accommodating an incentive or concession would not have adverse impacts on coastal resources, Suggested Modification No. 10 also requires the County to consider all feasible alternatives in reviewing proposed incentives and concessions for their effects on coastal resources. The County shall only grant an incentive or concession if the County determines that the development incentive or concession requested by an applicant would not have any adverse effects on coastal resources. The County may grant one or more of those incentives or concessions that do not have an adverse effect on coastal resources. If all feasible incentives or concessions would have an adverse effect on coastal resources, the County shall not grant any incentive or concession.

Government Code Section 65915 has been amended since the time the County submitted the proposed LCP amendment for certification by the Commission. As a result, there are several discrepancies between the current requirements of the Government Code and the proposed language of the County's LCP amendment regarding affordable housing and density bonus provisions. The County's proposed language raises inconsistencies with regard to (1) the definition of density bonus, (2) the percentage of target units required to be provided by developers for low and very low income households, (3) the length of time that target units are required to remain affordable, and (4) the basis upon which the number of additional incentives is determined. Suggested Modification Nos. 11-15 are required to establish consistency between

the County's proposed amendment and the current applicable requirements of Government Code Section 65915.

In conclusion, as the proposed IP amendment fails to include provisions that ensure that density bonus and development incentive requirements will be implemented in a manner that is fully protective of coastal resources, and would be consistent with the residential density bonus and coastal resource protection policies of the LUP, the Commission finds that the proposed amendment does not conform with and adequately carry out the residential density bonus and resource protection policies of the LUP and must be denied. However, the Commission finds that if modified, the proposed amendment could be found to conform with and adequately carry out the IP as modified. Therefore, the Commission has suggested modifications to the IP to ensure that the IP will conform with and adequately carry out the resource protection policies of the LUP.

**c. Suggested Modifications**

**Modification No. 10 (Density Bonus):**

Insert the following language before proposed section (F) to proposed section A314-12.1 as follows (and re-letter following sections accordingly):

**F. Procedures for Approval**

**A. When required by Government Code Section 65915, the County shall grant a density bonus that allows the applicant to build a minimum of 25% and a maximum of 35% more units than a property's zoning would ordinarily allow, if the County finds:**

- 1. The project is for any one of the types of residential projects described in Government Code Section 65915(b);**
- 2. The project complies with all standards set forth in Government Code Section 65915;**
- 3. The project is a housing development consisting of five or more units.**

**B. In accordance with Government Code Section 65915 (g), the density bonus shall be calculated based on the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the LCP. The "otherwise maximum allowable residential density" shall mean the maximum density determined by applying all site-specific environmental development constraints applicable under the coastal zoning ordinance and land use plan certified by the Coastal Commission.**

**C. Any housing development approved pursuant to Government Code Section 65915 shall be consistent with all applicable certified local coastal program policies and development standards. In reviewing a proposed density increase, the County shall identify all feasible means of accommodating the density increase and consider the**

effects of such means on coastal resources. The County shall only grant a density increase if the County determines that the means of accommodating the density increase proposed by the applicant does not have an adverse effect on coastal resources. If, however, the County determines that the means for accommodating the density increase proposed by the applicant will have an adverse effect on coastal resources, the County shall not grant the density increase.

D. In addition to a density bonus, the County shall grant to a housing development that complies with the provisions of Section A. above, one of the incentives or concessions identified in Government Code Section 65915(h), unless the County finds that an incentive or concession is not required in order to provide for affordable housing costs or rents. In reviewing a proposed incentive or concession, the County shall consider all feasible alternative incentives and concessions and their effects on coastal resources. The County shall only grant an incentive or concession if the County determines that the development incentive or concession requested by an applicant pursuant to this section will not have any adverse effects on coastal resources. The County may grant one or more of those incentives or concessions that do not have an adverse effect on coastal resources. If all feasible incentives or concessions would have an adverse effect on coastal resources, the County shall not grant any incentive or concession.

E. For the purposes of this section, "coastal resources" means any resource which is afforded protection under the policies of Chapter 3 of the Coastal Act, California Public Resources Code section 30200 *et seq.*, including but not limited to public access, marine and other aquatic resources, environmentally sensitive habitat, and the visual quality of coastal areas.

**Suggested Modification No. 11 (Density Bonus)**

Add the following language to the definition of "Density Bonus" consistent with §65915(g)(1):

B. Definitions. Whenever the following terms are used in this Section, they shall have the meaning established by this Subsection:

...

(4) "Density Bonus" means a minimum density increase of at least 25 percent, unless a lesser percentage is elected by the applicant, over the otherwise Maximum Residential Density, under the certified LCP. The amount of density bonus to which the applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the percentage established in subdivision (C) of this section. For each 1 percent increase above 10 percent in the percentage of units affordable to lower income households, the density bonus shall be increased by 1.5 percent up to a maximum of 35 percent.

**Suggested Modification No. 12 (Density Bonus)**

Revise Section C. Implementation, as follows consistent with §65915(b)(1)-(2):

C. Implementation. The County shall grant either: a Density Bonus, or a Density Bonus with an Additional Incentive(s), or Equivalent Financial Incentive; as set forth in Subsection 5 of this Section, to an applicant or developer of a Housing Development, who agrees to provide the following:

(1) At least ~~20~~ 10 percent of the total units of the Housing Development as Target Units affordable to Lower Income Households; or

(2) At least ~~40~~ 5 percent of the total units of the Housing Development as Target Units affordable to Very Low Income Households; or

(3) Senior citizen housing.

In determining the minimum number of Density Bonus Units to be granted pursuant to this Section, the Maximum Residential Density for the site shall be multiplied by 0.25. When calculating the number of permitted Density Bonus Units, any fractions of units shall be rounded to the next larger integer.

In determining the number of Target Units to be provided pursuant to this Section, the Maximum Residential Density shall be multiplied by ~~0.40~~ 0.05 where Very Low Income Households are targeted, or by ~~0.20~~ 0.10 where Lower Income Households are targeted. The Density Bonus Units shall not be included when determining the total number of Target Units in the Housing Development. When calculating the required number of Target Units, any resulting decimal fraction shall be rounded to the next larger integer.

In cases where a density increase of less than 25 percent is requested, no reduction will be allowed in the number of Target Units required. In cases where a density increase of more than 25 percent is requested, the requested density increase, if granted, shall be considered an Additional Incentive, as outlined in Subsection 5 of this Section.

In cases where the developer agrees to construct more than ~~20~~ 10 percent of the total units for Lower Income Households, or more than ~~40~~ 5 percent of the total units for Very Low Income Households, the developer is entitled to only one Density Bonus and an Additional Incentive(s) (or an Equivalent Financial Incentive) pursuant to Subsection 5 of this Section. Similarly, a developer who agrees to construct Senior Citizen Housing with ~~20 or 40~~ 10 or 5 percent of the units reserved for Lower- or Very Low-Income Households, respectively, is only entitled to one Density Bonus and an Additional Incentive(s). The County may, however, grant multiple Additional Incentives to facilitate the inclusion of more Target Units than are required by this Section.



**Suggested Modification No. 13 (Density Bonus)**

Revise Section D. Development Standards, as follows consistent with §65915(c):

D. Development Standards.

Target Units should be constructed concurrently with Non-Restricted Units unless both the County and the developer/applicant agree within the Density Bonus Housing Agreement to an alternative schedule for development.

Target Units shall remain restricted and affordable to the designated group for a period of 30 years (or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program; or rental subsidy program), under the following circumstances:

~~———— (1) Both a Density Bonus and an Additional Incentive(s) is granted; or~~

~~———— (2) An Equivalent Financial Incentive equivalent to a Density Bonus and an Additional Incentive(s) is granted.~~

~~Target Units shall remain restricted and affordable to the designated group for a period of 10 years under the following circumstances:~~

~~———— (3) Only a Density Bonus is granted and no Additional Incentives are granted;~~  
~~or~~

~~———— (4) An Equivalent Financial Incentive equivalent to only a Density Bonus is granted.~~

**Suggested Modification No. 14 (Density Bonus)**

Revise Section E. Development Incentives, as follows consistent with §65915(d)(2)(A)-(C):

E. Development Incentives.

The County shall provide a Density Bonus and an Additional Incentive(s), for qualified Housing Developments, upon the written request of a developer, unless the County makes a written finding that the Additional Incentive(s) is not necessary to make the Housing Development economically feasible to accommodate a Density Bonus, or unless all the required findings for approving subdivisions cannot be made.

The development incentives granted shall contribute significantly to the economic feasibility of providing the Target Units. Applicants seeking a waiver or modification of development or zoning standards shall show that such waivers or modifications are necessary to make the Housing Development economically feasible in accordance with Government Code Section 65915(e). This requirement may be satisfied by reference to applicable sections of the County's general plan housing element



The applicant shall receive the following number of incentives or concessions:

- (1) One incentive or concession for projects that include at least 10 percent of the total units for lower income households, at least 5 percent for very low income households, or at least 10 percent for persons and families of moderate income in a condominium or planned development.
- (2) Two incentives or concessions for projects that include at least 20 percent of the total units for lower income households, at least 10 percent for very low income households, or at least 20 percent for persons and families of moderate income in a condominium or planned development.
- (3) Three incentives or concessions for projects that include at least 30 percent of the total units for lower income households, at least 15 percent for very low income households, or at least 30 percent for persons and families of moderate income in a condominium or planned development.

The need for incentives will vary for different Housing Developments. Therefore, the allocation of Additional Incentives shall be determined on a case-by-case basis. The Additional Incentives may include, but are not limited to, any of the following:

- (1) A reduction of site development standards or a modification of zoning code or architectural design requirements which exceed the minimum building standards provided in Part 2.5 (commencing with Section 18901) of Division 13 of the California Health and Safety Code). These may include, but are not limited to, any of the following:
  - (a) Reduced minimum lot sizes and dimensions.
  - (b) Reduced minimum yard setbacks.
  - (c) Increased maximum lot coverage.
  - (d) Increased maximum building height.
  - (e) Reduced on site parking standard; including the number or size of spaces.
  - (f) Reduced minimum building separation requirements.
  - (g) Reduced street standards (e.g. reduced minimum street widths).
- (2) Allow the Housing Development to include non-residential uses and/or allow the Housing Development within a non-residential zone.
- (3) Other regulatory incentives or concessions proposed by the developer or the County which result in identifiable cost reductions or avoidance.
- (4) A Density Bonus of more than 25 percent
- (5) Waived, reduced, or deferred planning, plan check, construction permit, and/or development impact fees.

- (6) Direct financial aid in the form of a loan or a grant to subsidize or provide low interest financing for on or off site improvements, land or construction costs.

The County may offer an Equivalent Financial Incentive instead of granting a Density Bonus and an Additional Incentive(s). The value of the Equivalent Financial Incentive shall equal at least the land cost per dwelling unit savings that would result from a Density Bonus and must contribute significantly to the economic feasibility of providing the Target Units pursuant to this Section.

**Suggested Modification No. 15 (Density Bonus)**

Revise Section G. Density Bonus Housing Agreement, as follows consistent with §65915(c)(1):

G. Density Bonus Housing Agreement.

Applicant/Developers requesting a Density Bonus, shall agree to enter into a Density Bonus Housing Agreement with the County. The terms of the draft agreement shall be reviewed and revised as appropriate by the Planning Director or designated staff, who shall formulate a recommendation to the Planning Commission for final approval.

...

The Density Bonus Housing Agreement shall include at least the following:

- (1) The total number of units approved for the Housing Development, including the number of Target Units.

...

- (4) Tenure of use restrictions for Target Units of at least ~~40 or~~ 30 years, in accordance with Subsection 4 of this Section.

...

**4. DESIGN REVIEW**

**a. Amendment Description**

The County proposes to amend Section A314-57 of the Coastal Zoning Ordinance regarding Design Review. The Design Review provisions apply to lands designated "D" on the County's zoning map and are intended to preserve or enhance the area's historical, cultural, or scenic values. Currently, a Special Permit is required for all development subject to the Design Review regulations except that solar collectors for on site use are exempt from the design review requirements. The proposed amendment would (1) change the Special Permit requirement to a requirement to obtain a coastal development permit, and (2) exempt certain additions to existing

structures from coastal permit and design review requirements including (1) minor additions to existing structures provided that they meet certain area and height limitations and are not located in a sensitive coastal resource area, and (2) the installation or removal of windows, doors, or siding material provided that new siding material is non-reflective.

**b. Relevant LUP/Coastal Act Policies**

LUP/Coastal Act Policy 30251

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

**c. Analysis**

In addition to changing the requirement to obtain a Special Permit to a requirement to obtain a coastal development permit in designated "D" combining zone areas, there are essentially two types of exemptions that the County is attempting to address in the amendment: (1) those types of development that are exempt from coastal development permits pursuant to Section 30610 of the Coastal Act and Sections 13250 and 13253 of the Commission's administrative regulations regarding improvements to existing structures, and (2) a smaller subset of development types that may be exempt from the County's design review requirement. However, as proposed, the County's language is unclear regarding coastal permit and design review requirements.

As discussed previously, Coastal Act Section 30610 and the Commission's regulations exempts certain types of development from coastal development permit requirements. The proposed amendment language attempts to follow, in part, the exemptions set forth in Section 30610 of the Coastal Act and Sections 13250 and 13253 of the Commission's administrative regulations regarding improvements to existing structures, but is not fully accurate, inclusive, or consistent with the Coastal Act and the Commission's regulations. The exemption provisions outlined in the Coastal Act and the Commission's regulations are very specific regarding the types and locations of development that can be considered exempt from coastal development permits to ensure the protection of coastal resources. Any deviation from these exemptions proposed by the County may result in problems of interpretation that could lead to adverse impacts to coastal resources if development were allowed to occur without a permit where a permit is otherwise required by the Coastal Act and other provisions of the certified LCP.

As LCPs must be consistent with the Coastal Act, including adhering to requirements regarding the types of development that require permits, the Commission finds that the proposed language proposed by the County's amendment would allow some types of development to be permitted without coastal permits in a manner inconsistent with the Coastal Act. Therefore, the proposed

Implementation Plan amendment is not consistent with the Coastal Act and must be denied. However, the Commission finds that the proposed amendment can be modified to be made consistent with the Coastal Act.

The Commission attaches Suggested Modification No. 16, to clarify that development identified as "exempt" in Sections 13250, 13252 and 13253 of Title 14, California Code of Regulations on lands designated "D" is exempt from the requirement for a coastal development permit, and exempt from the design review requirements of Section A314-57, unless a coastal development permit contains a condition stating that such exemptions are not available on the property. Furthermore, the modification would clarify the list of development proposed by the County to be exempt from design review requirements.

#### Protection of Visual Resources

The LUP incorporates Coastal Act Section 30251 and states that the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance, and that permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, and to be visually compatible with the character of surrounding areas. New development in highly scenic areas shall be subordinate to the character of its setting.

The Design Review provisions of the IP as proposed to be amended would continue to be consistent with LUP/Coastal Act policy 30251 regarding the protection of visual resources. The proposed changes to the Design Review section do not change the existing substantive requirements of the Coastal Zoning Ordinance that act to protect visual resources to and along the coast. The proposed amendment would change only the process by which the Design Review combining zone is implemented in that the substantive policies regarding the protection of visual resources would be implemented solely through the coastal development process rather than through both a special permit and coastal development permit process as the ordinance currently requires. Furthermore, as modified, the amendment would not exempt any types of development from coastal development permit requirements not otherwise identified as exempt in Sections 13250, 13252 and 13253 of Title 14, California Code of Regulations.

Therefore, as the proposed amendment does not affect the implementation of existing LUP policies regarding the protection of visual resources, the Commission finds that the proposed amendment to Section 314-57 of the IP, Design Review, conforms with and is adequate to carry out LUP policies regarding visual resources.

#### **d. Suggested Modifications**

##### **Suggested Modification No. 16 (Design Review):**

Revise Section A314-57 (B) & (C) as follows:

- A. Applicability. These regulations shall apply to lands designated "D" on the zoning map. ~~Solar collectors for on-site use are exempt from the design review requirement of this section.~~

B. ~~Special Coastal Development Permit Required.~~ A ~~special coastal development permit~~ is required for all development subject to these regulations ~~except that~~ ~~development identified as "exempt" in Title 14, California Code of Regulations, sections 13250, 13252 and 13253 on lands designated "D" is exempt from the requirement for a coastal development permit, and exempt from the design review requirements of Section A314-57, unless a coastal development permit contains a condition stating that such exemptions are not available on the property.~~

C. ~~The following development shall be exempt from coastal development permit requirements for design review:~~

(1) Solar collectors for on site use;

~~(2)-(1)~~ Additions to existing structures that meet the following all the criteria: listed below:

~~(b)~~ The addition of solar collectors for on-site use;

(a) The addition would result in an increase of 10 percent or less of floor area to the structure. The percentage increase shall include any previous additions that have been exempted from design review pursuant to this section, and

~~(b)-(e)~~ The addition does not increase the height of the structure by more than 10 percent, and

~~(c)-(d)~~ The addition is not located on a beach, wetland, within 50 feet of a coastal bluff or coastal stream, seaward of the mean high tide line, or in a coastal scenic or coastal view area,

~~(3)-(2)~~ Installation or removal of windows, doors or siding material provided that new siding material is non-reflective.

The application for the permit shall be accompanied by a fee in the amount as established by ordinance or resolution of the Board of Supervisors.

Development exempt from coastal development permit requirements for design review shall be consistent with all other requirements of this chapter and any applicable permit.

## 5. SPECIAL OCCUPANCY PARKS

### a. Amendment Description

The County proposes to amend Section A314-30 (Recreational Vehicles) and the definitions

section of the Coastal Zoning Ordinance, and other related sections, to include various changes to the definitions of commercial recreation uses (i.e., types of camping), associated changes to permitted uses in certain zoning districts, and some modifications to the criteria for approving these various uses. According to the County, the proposed zoning ordinance changes are intended to help accommodate nomadic housing consistent with State law.

First, the amendment would add new definitions and clarify existing definitions relating to nomadic housing. Currently, the County's zoning ordinance contains a single definition of "Campgrounds and Recreational Vehicle Parks." The proposed amendment would add additional definitions to further specify and distinguish among "Incidental Camping Areas," "Recreational Vehicle Parks," "Temporary Recreational Vehicle Parks," and "Tent Camps," all of which would fall under the definition of "Special Occupancy Park" and would be added to the existing "Commercial Use Types" category outlined in existing Section A313-7.

According to the County, the proposed definitions are consistent with the definitions contained in the California Health and Safety Code and would simplify the ordinance by no longer drawing a distinction between nomadic housing parks and Special Occupancy Parks (e.g., RV parks, trailer parks, etc). The County indicates that these distinctions are no longer necessary because State law regarding these types of uses have become more flexible. For example, the State's definition of RVs now allows for non-recreational occupancy. Also, the definition of RV includes a variety of forms of vehicles used by nomadic households of all income levels, such as trailers and truck campers and thus, distinguishing between trailer and RVs for example, is redundant. The State's definition of "Special Occupancy Park" has also been changed to allow parcel sizes of less than five acres.

Second, the amendment would amend Section A314-30 that currently sets forth development standards for Recreational Vehicle Parks. The title of the section would be changed to Special Occupancy Parks, which by definition, includes Recreational Vehicle Parks, Temporary Recreational Vehicle Parks, Incidental Camping Areas, and Tent Camps. Accordingly, the amendment would replace references to "Recreational Vehicle Park" with "Special Occupancy Park" and the former RV development standards would apply to all four use types. The amendment would also make minor changes to the development standards including (1) reducing the required minimum site area for Special Occupancy Parks from a minimum of three acres to a minimum parcel size of one acre, and (2) reducing the maximum length of occupancy in a Special Occupancy Park from six months to four months in any twelve-month period. The amendment would also add a provision that would allow modifications to the development standards and the length of occupancy limitations with a Special Permit provided the development would be compatible with surrounding land uses, and meet minimum State standards for habitability. The amendment also adds requirements for park caretakers to ensure safety and compatibility of the park.

Lastly, the proposed amendment would add Incidental Camping Areas, Tent Camps, and Temporary Recreational Vehicle Parks to the list of principal permitted uses in the Coastal Dependent Commercial Recreation (CRD) zoning district. "Recreational Vehicle Parks" would be changed to "Special Occupancy Parks" and would remain a conditionally permitted use in the Public Recreation (PR) and Commercial Recreation (CR) zoning districts.

**b. Relevant LUP Policies**

The certified LUP directly incorporates a number of Chapter 3 policies of the Coastal Act, including Sections 30213, 30222, 30223, 30220, and 30221. These policies are as follows:

LUP/Coastal Act Section 30213

(Part) Lower cost visitor and recreation facilities ... shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

LUP/Coastal Act Section 30222

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal- dependent industry.

LUP/Coastal Act Section 30223

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

LUP/Coastal Act Section 30220

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

LUP/Coastal Act Section 30221

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

**c. Analysis**

The proposed amendment raises several issues with regard to its ability to adequately conform with and carry out the LUP including, (1) potential impacts from increased density and intensity of use, and (2) the protection of priority and coastal dependent uses.

Protection of Priority Uses

The County's LUP incorporates Coastal Act Sections 30213 and 30222 that provide for the protection of low-cost visitor-serving recreational uses and prioritizes these uses over other development types such as private residential use.

As proposed to be amended, the coastal zoning ordinance would replace “Recreational Vehicle Park” with “Special Occupancy Parks,” (which, in addition to Recreational Vehicle Parks, includes Temporary Recreational Vehicle Parks, Incidental Camping Areas, and Tent Camps), as conditionally permitted uses in the Public Recreation (PR) and Commercial Recreation (CR) zoning districts. The amendment would add Temporary Recreational Vehicle Parks, Incidental Camping, and Tent Camps as a principal permitted use in the Coastal Dependent Commercial Recreation (CRD) zoning district. These three zoning districts are intended to accommodate visitor serving facilities and recreational development in a manner that implements the LUP provisions discussed above that encourage and protect such uses.

The four development types that fall under the definition of “Special Occupancy Park” (i.e., Recreational Vehicle Parks, Temporary Recreational Vehicle Parks, Incidental Camping Areas, and Tent Camps) can be characterized as forms of low-cost, recreational uses and thus, encouraging the development of Special Occupancy Parks can be considered consistent with LUP/Coastal Act policy 30213, among others, that encourage such uses. However, the proposed amendment would add language to the ordinance for Special Occupancy Parks that would allow for the modification of development criteria in a manner that could result in these development types becoming a form of residential development, rather than recreation or visitor-serving.

As proposed to be amended, subsection (E) limits the length of occupancy in a Special Occupancy Park as follows:

- (1) Persons occupying with total hook-up capacity, including sewer, water and electricity, shall not occupy any campground space in a ~~recreational vehicle park~~ Special Occupancy Park for a period exceeding ~~six (6) four (4)~~ months in any twelve month period, nor shall the cumulative occupancy by such persons of different campground spaces anywhere in the facility exceed six months in any twelve month period.
- (2) Persons occupying tents or vehicles with less than total hook-up capacity shall not occupy any campground space in a ~~recreational vehicle park~~ Special Occupancy Park for a period exceeding thirty days in any twelve month period, nor shall the cumulative occupancy by such persons of different campground spaces anywhere in the facility exceed a total of 30 days in any twelve month period.

In addition, the existing language of the limitations set forth in subsection (E) specifically states that “*No person or group of persons other than the owner of operator thereof shall occupy any of the campground spaces in a recreational vehicle park* [proposed to be changed to Special Occupancy Park] for permanent family or group residential use”(emphasis added).

The proposed amendment would add a provision that would allow a hearing officer to modify these limitations on the length of occupancy within Special Occupancy Parks with a Special Permit, provided the findings can be made that the development will be compatible with surrounding land uses and meet minimum state standards for habitability. Including the ability to modify the length of occupancy standards as proposed to an unspecified and potentially indefinite period of time could result in campgrounds becoming more similar to a residential use rather than a recreational and visitor-serving use as intended by the zoning districts in which such uses are allowed (i.e., PR, CR, CRD). As a result, suitable sites for visitor-serving facilities



and recreational development would not be adequately protected and could effectively be excluded by a type of residential development inconsistent with LUP/Coastal Act policy 30222 that specifically affords priority to visitor serving commercial recreational facilities over private residential development.

Therefore, the proposed IP amendment as submitted does not conform with and is not adequate to carry out the LUP with regard to the protection of priority uses and must be denied. This denial is in accord with the provisions of Health and Safety Code Section 18865.2(d). The Commission also notes that the amendment to authorize exemptions from the time limitation for occupancy, as proposed to apply to all special occupancy parks in the coastal zone, all vehicle spaces in such parks, and to potentially allow conversion of such parks to permanent residential use, is also inconsistent with Section 30222 of Chapter 3 of the Coastal Act. Although it has not done so, if the County sought to amend its LUP policies in a way that would allow such exemptions, this likewise would not be consistent with Chapter 3. However, the Commission finds that if the proposed IP amendment is modified to delete this provision allowing the length of stay to be modified, the IP amendment would conform with and carry out the certified LUP. Therefore, the Commission attaches Suggested Modification No. 17 to delete the provision for and associated references to modifying the length of occupancy standards to ensure that Special Occupancy Parks are not misused for residential development and that sites that are particularly important and suited for visitor-serving facilities and recreational uses are protected.

#### Coastal Dependent Commercial Recreation

As noted above, the County's LUP incorporates Coastal Act Sections 30220, 30221, 30222, 30223, and 30224 that provide for the protection of recreational uses in coastal areas.

The County proposes to add Incidental Camping Areas, Tent Camps, and Temporary Recreational Vehicle Parks to the list of Commercial Use Types allowed as a principal permitted use in the Coastal Dependent Commercial Recreation zoning district. Coastal Dependent Commercial Recreation is defined in the Commercial Use Type section of the County's zoning ordinance as including, *"visitor serving recreational facilities which require channel access, such as marinas serving other than solely commercial vessels, fishing piers, boat launching facilities, bait shops, and marine hardware."*

According to the definitions of each of these three uses, none of them meet the criteria for 'coastal dependent' in that they do not require channel access, or otherwise require shoreline or coastal access to operate. In other words, unlike a marina, or fishing pier, which clearly require channel access to operate, Temporary RV Parks, Incidental Camping Areas, and Tent Camps can be sited and operated at inland locations without compromising their intended purpose. Thus, allowing these types of uses in the Coastal Dependent Commercial Recreation District as principal permitted uses could, in some instances, displace the water-oriented visitor-serving and recreational uses that this district is reserved for and would be in clear conflict with the intent of the zoning district and LUP policies that afford priority for coastal dependent visitor serving recreational uses. The Commission further notes that there are relatively few locations along the coastline of Humboldt County that are suitable for marinas, fishing piers, and other uses currently allowed in the Coastal Dependent Commercial Recreation zone due to the rugged nature of the shoreline as well as competing uses along the shoreline of Humboldt Bay that

afford access to navigable water.

Therefore, the Commission finds that as submitted, the proposed IP amendment is not adequate to conform with and carry out the certified LUP regarding coastal dependent uses and must be denied. However, the amendment could be modified to conform with and adequately carry out the certified LUP regarding coastal dependent uses. The Commission attaches Suggested Modification No. 18 that would move Temporary Recreational Vehicle Parks, Incidental Camping Areas, and Tent Camping from principal permitted uses in the Coastal Dependent Commercial Recreation zoning district as proposed, to conditionally permitted uses in this zone. Allowing Special Occupancy Parks in this zone may be appropriate in some cases, and even complementary to other allowable coastal dependent recreational uses. For example, a CRD-zoned site is already developed with a marina, boat ramp, or fishing pier and includes an area of adjacent vacant upland that may not be needed to expand coastal dependent recreational uses, may be well suited to accommodate a campground that could be used by, among others, visitors who are coming to the site to boat or fish. Moving these uses to conditional permitted use in the Coastal Dependent Commercial Recreation district would ensure that these proposed uses receive a level of review necessary to ensure that they would be allowed only in the event that adequate visitor-serving recreational uses exist nearby and that they would not preclude the use of the site for coastal dependent uses, consistent with LUP/Coastal Act Sections 30220, 30221, and 30222. As uses that are not principally permitted, any coastal development permit approved for such uses by the County could be appealed to the Commission for review by the Commission. The Commission finds that if modified as suggested below, the proposed amendment would conform with and be adequate to carry out the LUP regarding priority uses.

#### Principally Permitted Use

As discussed in Section 9. of the findings below, since the IP lists several principal permitted uses in the Public Recreation (PR), Commercial Recreation (CR), and Coastal Dependent Commercial Recreation (CRD) zoning districts with no single use designated as *the* “principal permitted use,” the IP is interpreted such that every development permitted as a principal permitted use in a particular zoning district is appealable to the Commission. This creates a cumbersome and unnecessary problem that can be rectified by identifying one “principal permitted use” for purposes of appeals to the Coastal Commission. Therefore, Suggested Modification Nos. 25-27 would identify one “principal permitted use” for these zoning districts for purposes of appeals to the Coastal Commission pursuant to Section 312-13.12.3 of the County’s Coastal Zoning Ordinance and Section 30603(a)(4) of the Coastal Act.

#### **d. Suggested Modifications**

##### **Suggested Modification No. 17 (Special Occupancy Park)**

Revise proposed Section A314-34.1(F) as follows:

- F. Modification of Development Criteria. Modification of the development ~~criteria~~ standards ~~(A) through (D)~~ **in (C)** of this Section may be granted by the Hearing Officer subject to making the required findings for Granting Special Permit Exceptions in Chapter 5 and the findings that the development will be consistent with all applicable

state and local health and safety standards, and that the development would have no adverse impact on coastal resources.

Modification of the development standard (E) of this Section may also be allowed with a Special Permit, provided the following supplemental findings are made: 1) the development will be compatible with surrounding land uses, and 2) the development meets minimum State standards for habitability.

To ensure the park is compatible with surrounding property uses, the Hearing Officer may limit the term of the permit to a specified time period, and may require that the caretaker of the park has specific plans and sufficient experience with anticipated users to effectively engage the cooperation of the users to maintain the park in a clean, safe and sanitary condition.

...

**Suggested Modification No. 18 (Special Occupancy Park)**

Revise Section A313-24 as follows:

Section A313-24. CRD COASTAL DEPENDENT COMMERCIAL RECREATION

A. Principal Permitted Uses.

- (1) Civic Use Type
  - Minor Utilities
- (2) Commercial Use Type
  - Coastal Dependent Recreation
- (3) Natural Resources Use Types
  - Resource-Related Recreation
  - Coastal Access Facilities
- (4) Commercial Use Types
  - Incidental Camping Area
  - Tent Camp
  - Temporary Recreational Vehicle Park

B. Conditionally Permitted Uses. The following use types are permitted pursuant to the Development Permit Procedures in Chapter 5 of this Division.

- (1) Residential Use Types
  - Single Family Residential
  - Caretaker's Residence
- (2) Civic Use Types

...

- (3) Commercial Use Types
  - Visitor Serving Facilities
  - Transient Habitation
  - Commercial Recreation
  - Recreational Vehicle Park
  - Incidental Camping Area
  - Tent Camp
  - Temporary Recreational Vehicle Park

...

## 6. PLANNED UNIT DEVELOPMENT

### a. Amendment Description

The County proposes to amend Coastal Zoning Ordinance Section A314-62 regarding Planned Unit Developments (PUD) to (1) increase the allowable density standard from 20% to a maximum of 25% if the development incorporates extraordinary public benefits, (2) add additional residential density standards, and (3) provide updated and more thorough design guidelines.

The planned unit development provisions apply to areas designated "P" on the County's zoning maps and are intended to apply to (1) any site where more than four residential, commercial, or industrial buildings or a combination are proposed, (2) where the development proposal is within a residential zone and includes residential and non-residential development; and (3) any site or development proposal where application of the PUD provisions would provide a better means of carrying out the intent of the County's General Plan. The "P" designation is applied as a combining zone in combination with the base residential, commercial, industrial, or other zoning district that applies to the site.

First, the Modifications of Development Standards section would be amended to include additional Residential Density Standards. This section would be amended to increase the allowable residential density bonus from the existing allowance of 20% to a maximum of 25% if the development incorporates extraordinary public benefits. Currently, the density bonus provisions in the zoning ordinance do not specify what constitutes an "extraordinary public benefit," but simply leaves the determination of whether a development qualifies for the density bonus to the discretion of the Planning Commission. As amended, extraordinary public benefits would be identified, consistent with those identified in the LUP, to include benefits such as enhancement of sensitive habitats, visual or cultural resources, development and maintenance of public access to recreational areas, or at least 40% of the total lot area for common open space subject to specific requirements. Other than the residential density standards, the only other

standard proposed to be amended is the setback standards, which would delete the requirement that all detached structures be spaced a minimum of six feet for every ten feet in height of the highest building affected.

Second, the residential density standards would be amended to include additional detailed requirements for benefits involving the provision of open space and clarification of density allowances.

Third, the amendment would clarify that the 25% residential density bonus limit is the maximum density bonus permitted and may not be combined with any other density bonus allowed by county or state regulations if greater than 25% would result. For example, the PUD density bonus could not be combined with the residential density bonus also proposed under the IP amendment in a manner that results in an overall bonus greater than 25%. The proposed amendment also clarifies criteria in calculating permitted densities.

Fourth, the proposed amendment would delete some existing guidelines and add additional guidelines to the existing "Design Guidelines" section. According to the amendment, the guidelines are intended to be considered by architects, engineers, and other persons involved in designing PUDs, and by the Planning Commission and Board of Supervisors in reviewing them based on the recognition that there is generally agreement on basic design principles that comprise a well designed development. The amended guidelines set forth design considerations for natural features, circulation, parking, architecture, and other considerations such as laundry facilities, trash and recycling receptacles, and underground utilities.

**b. Relevant LUP Policies**

LUP Section 5.15 (Eel River, South Coast, McKinleyville, and North Coast Area Plans), Section 4.15 (Trinidad Area Plan), and Section 4.10 (Humboldt Bay Area Plan):

**DENSITY BONUSES AND PLANNED UNIT DEVELOPMENTS**

Density ranges described in land use designations may be exceeded by a minimum of 25% and a maximum of 35% to encourage affordable housing production pursuant to §65915 of the California Government Code (Density Bonuses) in effect in 2005. Any housing development approved pursuant to Government Code Section 65915 shall be consistent, with all applicable certified local coastal program policies and development standards. In reviewing a proposed density increase, the County shall identify all feasible means of accommodating the density increase and consider the effects of such means on coastal resources. The County shall only grant a density increase if the County determines that the means of accommodating the density increase proposed by the applicant does not have an adverse effect on coastal resources. If, however, the County determines that the means for accommodating the density increase proposed by the applicant will have an adverse effect on coastal resources, the County shall not grant the density increase. Density ranges may also be exceeded within Planned Unit Development (PUD's) up to 25% if increasing the density would not have an adverse effect on coastal resources and would be consistent with all applicable local coastal program policies and development standards. The 25% density bonus limit for PUDs is the maximum density bonus permitted; it may not be combined with

any other density bonus allowed by County or State regulations if densities greater than 25% would result. Also a variety of housing types and a mixture of residential and commercial uses may be allowed to encourage affordable housing production under the provisions of State law referenced above, and in PUD's to encourage the provision of extraordinary public benefits within subdivisions.

LUP Section 3.15

D. PLANNED UNIT DEVELOPMENT

3. It shall be the policy of the County to encourage the Planned Unit Development (PUD) concept. Where such utilization would provide extraordinary benefits to the community and to the County, such as: dedications of open space and public access, protection of visual resources and sensitive habitats beyond that already required in Sections 3.41 and 3.42, incentives may include increases of up to 25% over planned densities if increasing the density would not have an adverse effect on coastal resources and would be consistent with all applicable local coastal program policies and development standards. The 25% density bonus limit for PUDs is the maximum density bonus permitted; it may not be combined with any other density bonus allowed by County or State regulations if densities greater than 25% would result.

LUP/Coastal Act Section 30240

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.
- (d) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

LUP/Coastal Act Section 30233

- (a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:
  - (1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.
  - (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

- (3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland; provided, however, that in no event shall the size of the wetland area used for such boating facility, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, be greater than 25 percent of the total wetland area to be restored.
  - (4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities.
  - (5) Incidental public service purposes, including, but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.
  - (6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.
  - (7) Restoration purposes.
  - (8) Nature study, aquaculture, or similar resource-dependent activities.
- (b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge soils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable longshore current systems.
- (c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetlands or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division.

LUP/Coastal Act Section 30250

(C) New development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

LUP/Coastal Act Section 30251

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where

feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

**c. Analysis**

The existing LUP provision allows the Planning Commission to approve modifications to the development standards when reviewing Planned Unit Development applications. As noted above, the Modifications of Development Standards section of the PUD provisions would be amended to add additional standards, including a 5% increase to the already allowable density bonus. The development standards of this section include standards regarding the following: (1) residential density (proposed to be amended as discussed below), (2) lot size, (3) lot coverage, (4) setbacks, and (5) permitted principal building types.

With regard to the residential density, the proposed amendment would allow up to a 25% density increase where currently a 20% density bonus is allowed. Thus, for every four units normally allowed, a fifth unit could be allowed in a PUD provided the development incorporates extraordinary public benefits. The certified LUP contains an existing provision regarding planned unit development and states as follows:

...

**D. PLANNED UNIT DEVELOPMENT**

1. It shall be the policy of the County to encourage the Planned Unit Development (PUD) concept. Where such utilization would provide extraordinary benefits to the community and to the County, such as: dedications of open space and public access, protection of visual resources and sensitive habitats beyond that already required in Sections 3.41 and 3.42, incentives may include increases of up to 25% over planned densities if increasing the density would not have an adverse effect on coastal resources and would be consistent with all applicable local coastal program policies and development standards. The 25% density bonus limit for PUDs is the maximum density bonus permitted; it may not be combined with any other density bonus allowed by County or State regulations if densities greater than 25% would result.

The proposed IP amendment lists examples of extraordinary public benefits “*such as enhancement of sensitive habitats, visual or cultural resources, development and maintenance of public access to recreational areas, or at least forty percent (40%) of the total lots area of the PUD reserved for common open space...*” and is intended to carry out the LUP provision stated above. As noted in the amendment description above, the current PUD residential density standards do not detail what is considered an “extraordinary public benefit” beyond what is set forth in the LUP, but rather, leaves the determination of whether a development qualifies for the density bonus to the discretion of the Planning Commission. The proposed language sets forth specific requirements regarding the provisions of common open space areas, but does not include



further detail as to the means of accommodating any of the other optional public benefits noted. While the proposed language is more detailed than the existing IP language regarding the types of extraordinary public benefits to be considered for allowing a density bonus in planned unit developments, the proposed language remains ambiguous as to what would be considered an appropriate and adequate means of providing an "extraordinary public benefit" that would sufficiently offset the increased density in a manner that is consistent with the resource protection policies of the LUP.

As the decision of whether or not to approve modifications to the development standards, including the density increase, is left to the discretion of the County with minimal approval criteria, this section of the proposed amendment could be implemented in a manner inconsistent with coastal resource protection policies of the Land Use Plan and with the Planned Unit Development section of the six Area Plans, which as modified, only allow the density bonuses if increasing the density would not have an adverse effect on coastal resources and is consistent with all applicable LCP policies and standards. For example, modification of the development standards could be interpreted as allowing otherwise prohibited fill of a wetland to accommodate a density increase if the developer enhances sensitive habitats elsewhere as an extraordinary public benefit. Therefore, as submitted, the IP amendment does not conform with and carry out the LUP, as modified, and must be denied.

If modified, the proposed IP amendment could be found to conform with and adequately carry out the LUP, as modified. To ensure that the IP amendment is adequate to carry out the coastal resource protection and PUD policies of the LUP, the Commission attaches Suggested Modification No.19 that would clarify that the modifications of development standards outlined in Section A314-62(E)(1)-(5) regarding residential density, lot size, lot coverage, setbacks, and building types shall only be approved if it is determined that the means of accommodating the proposed development standard modifications would not have an adverse effect on coastal resources. If, however, the County determines that the means for accommodating the proposed development standard modifications proposed by the applicant would have an adverse effect on coastal resources, the County shall not grant the development standard modifications.

With regard to the proposed changes and additions to the design guidelines of the PUD provisions, the IP amendment does not contain specific PUD guidelines that would conflict with those proposed in the IP. However, although the proposed language simply encourages the consideration of the various design guidelines as elements of what "should" guide a well thought out planned unit development, the guidelines could be misinterpreted as overriding other requirements of the LCP, or as being read in isolation from other LCP requirements. Therefore, Suggested Modification No. 20 clarifies that the guidelines do not eliminate or supercede the need to comply with all other applicable requirements of the certified LCP.

In conclusion, as submitted, the IP amendment does not conform with and adequately carry out the LUP and must be denied. Only as modified by Suggested Modification Nos. 19 and 20 below, would the Implementation Plan amendment regarding Planned Unit developments be adequate to conform with and carry out the LUP.

**d. Suggested Modifications**

**Suggested Modification No. 19 (Planned Unit Development):**

Add the following language to existing Section A314-62 (E) as follows:

E. Modifications of Development Standards. The following development standard modifications may be approved by the Planning Commission reviewing the Planned Unit Development permit applications: **only if it is determined that the means of accommodating the proposed development standard modifications would not have an adverse effect on coastal resources. If, however, the County determines that the means for accommodating the proposed development standard modifications proposed by the applicant would have an adverse effect on coastal resources, the County shall not grant the development standard modifications.**

**Suggested Modification No. 20 (Planned Unit Development):**

Add the following language to proposed Section A314-62 (F) as follows:

F. Design Guidelines. These guidelines shall be considered by architects, engineers, and other persons involved in designing Planned Unit developments, and by the Planning Commission and Board of Supervisors in reviewing them. The guidelines recognize that while few people are in complete accord on what makes a well designed project, there is general agreement on a number of basic design principles, which are enumerated below. **Consideration of these guidelines does not eliminate or supercede the need to comply with all other applicable requirements of the certified LCP.**

**7. SECOND RESIDENTIAL UNITS**

**a. Government Code (and AB1866) Second Unit Requirement Background**

Signed by former Governor Davis on September 29, 2002, AB 1866 added three new provisions to Section 65852.2 of the Government Code that are particularly significant for the purposes of reviewing proposed second units in residential zones within the coastal zone. The law now:

- 1) Requires local governments that adopt second unit ordinances to consider second unit applications received on or after July 1, 2003 “ministerially without discretionary review or a hearing.” (Government Code Section 65852.2(a)(3))
- 2) Requires local governments that have not adopted second unit ordinances to “approve or disapprove the [second unit] application ministerially without discretionary review.” (Government Code Section 65852.2(b)(1))
- 3) Specifies that “nothing in [Section 65852.2] shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act ... except that the local government shall not be required to hold public hearings for coastal

development permit applications for second units.” (Government Code Section 65852.2(j))

Thus, AB 1866 significantly changes one component of local government procedures regarding coastal development permits for second units in residential zones (public hearings), but does not change the substantive standards that apply to coastal development permits for such second units.

Pursuant to AB 1866, local governments can no longer hold public hearings regarding second units in residential zones. This prohibition applies both to initial local review and any subsequent local appeals that may be allowed by the LCP. The restriction on public hearings, however, does not apply to the Coastal Commission itself. The Commission can continue to conduct public hearings on proposed second units located in areas where the Commission retains permitting jurisdiction and when locally approved coastal development permits are appealed to the Commission.

AB 1866 does not change any other procedures or the development standards that apply to second units in residential zones located within the coastal zone. Rather, it clarifies that all requirements of the Coastal Act apply to second units, aside from requirements to conduct public hearings. Thus, for example, public notice must be provided when second unit applications are filed and members of the public must be given an opportunity to submit comments regarding the proposed development. When a second unit application is appealable, local governments must still file a final local action notice with the Commission and inform interested persons of the procedures for appealing the final local action to the Commission. In addition, all development standards specified in the certified LCP and, where applicable, Chapter 3 of the Coastal Act apply to such second units.

**b. Amendment Description**

The County proposes to amend Sections A314-31 (Second Residential Unit), A315-16 (Supplemental Findings), A313-16 (Residential Single Family Use Zone), and A313-17 (Rural Residential Agricultural Zone) of the Coastal Zoning Ordinance to encourage development of second units in single family and rural residential areas. According to the County, the intent of the proposed amendments are to establish consistency with its Housing Element, which states that second units should be encouraged wherever possible because they significantly contribute to the stock of affordable housing. The LCP defines a second residential unit as “*a fully equipped dwelling unit which is ancillary and subordinate to a principal dwelling unit located on the same lot for occupancy by individuals or a family.*”

First, the proposed amendment would allow second units as a principal permitted use in the Residential Single Family (RS) and Rural Residential Agriculture (RA) zoning districts.

Second, the proposed amendment would modify the second residential unit section of the ordinance (Section A314-31), which sets forth standards for the “*creation of a subordinate residential unit or the conversion of existing living space into independent living space on lots in rural areas and residential neighborhoods.*” The proposed amendment would allow second units in the RS and RA zones with a coastal development permit if certain development criteria

set forth in Section A314-31(D) are met. If all of the criteria cannot be met, the amendment would allow second units with a Special Permit, rather than a Use Permit, provided the second unit meets the existing waiver standards regarding density and maximum floor area, and the proposed new waiver standards regarding building site and road access.

Third, the proposed amendment would add additional supplemental findings required to be made when approving a second residential unit. In addition to the existing supplemental findings requiring that the second unit is found to be subordinate to the principal residence and compatible with the character of the neighborhood, the amendment would require that the development is also found to be consistent with general plan policies regarding (1) maintenance of open space, (2) retention of agriculture and timber lands, and (3) protection of the environment.

Lastly, other changes to the general provisions and standards of the second unit section of the ordinance include (1) allowing more than one permit for secondary dwelling units to be issued to the same person each year, (2) reducing the required distance between the second unit and the existing building from a maximum of 300 feet to 30 feet, and (3) establishing a frontage road improvement standard.

**c. Relevant LUP Policies**

The certified LUP directly incorporates a number of Chapter 3 policies of the Coastal Act, including Sections 30250(a), 30240, 30251, 30241, and 30242. These policies are as follows:

LUP/Coastal Act Policy 30250(a)

(a) New development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

LUP/Coastal Act Policy 30240

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

LUP/Coastal Act Policy 30251

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect

views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

LUP/Coastal Act Policy 30241

The maximum amount agricultural production of prime agricultural land shall be maintained in to assure the protection of the areas' agricultural economy and conflicts shall be minimized between agricultural and urban land uses through all of the following:

- (a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.
- (b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses and where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.
- (c) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.
- (d) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.
- (e) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b) of this section, and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.

LUP/Coastal Act Policy 30242

All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

**c. Analysis**

The proposed amendments to the Coastal Zoning Ordinance provisions regarding second units raises several issues with regard to its ability to conform with and adequately carry out the LUP, including (1) unclear standards as to when a coastal development permit is required, (2) lack of

clear requirements for adequate public services to serve new development, and (3) the potential for impacts to coastal resources including visual, and agricultural resources.

#### Coastal Development Permit Requirements

The proposed amendment attempts to distinguish between second units that would be allowable with a coastal development permit and those second units that would be allowable with a Special Permit based on satisfying certain development criteria. The proposed language of this portion of the amendment is as follows (language proposed to be added by the County is shown in underline and language proposed to be deleted by the County is shown in ~~strike through~~):

- A. Second Residential Units Permitted With Coastal Development Permit or Special Permit Use Permit. A second residential unit use type, as defined in Chapter 2, may be permitted with a coastal development permit in RS and RA zones if all the criteria of A314-31(D) are met. A second residential unit that cannot meet all the criteria in A314-31(D) may be permitted with a special permit pursuant to A314-31(G)-(J) below.

The language of the proposed amendment is misleading in that it suggests that no coastal development permit is required for second units that do not meet the criteria in subsection (D), but that they may be permitted with a Special Permit. However, pursuant to Coastal Act Section 30600, a coastal development permit is required for all “development.” The definition of “development” set forth by Coastal Act Section 30106 and incorporated into the County’s LUP states in applicable part: “*development means, on land, ...the placement or erection of any solid material or structure; ...a change in the density or intensity of use of land...*” Regardless of the specific development criteria that a second unit may or may not meet, any proposed second unit would clearly meet the definition of development and thus, would require a coastal development permit. Therefore, the proposed Implementation Plan amendment would not be consistent with Coastal Act coastal development permit requirements and must be denied. However, the Commission finds that the amendment could be modified to be made consistent with Coastal Act requirements and certified if so modified.

As proposed by the County to be designated a principal permitted use in the Rural Residential and Single Family Residential zoning districts, second units approved by the County would not be automatically appealable to the Commission pursuant to Coastal Act Section 30603(4). Because second units have the potential to raise several significant cumulative as well as individual coastal resource issues such as impacts to visual resources, environmentally sensitive habitat areas, agricultural resources, and public services as discussed further below, the Commission finds that it is important to reserve the Commission’s ability to appeal any second unit approved by the County that raises a potential issue of conformance with the certified LCP.

The proposed amendment would designate second units as a principal permitted use in the Rural Residential Agriculture (RA) and Residential Single Family (RS) zoning districts. Ordinarily, a coastal development permit granted for a use that is designated a principal permitted use is not appealable to the Commission under Section 30603(4) of the Coastal Act, whereas a coastal development permit granted for a conditional use generally is appealable. However, as discussed in Section 9 of the findings below, since the IP as modified lists several principal permitted uses

in both the Rural Residential and Single Family residential zoning districts with no single use designated as the “principal permitted use,” the IP is interpreted such that every development permitted as a principal permitted use in a particular zoning district is appealable to the Commission. This creates a cumbersome and unnecessary problem that can be rectified by identifying one “principal permitted use” for purposes of appeals to the Commission. As discussed in Section 9, Suggested Modification Nos. 28 and 31 identify “Single Family Residential” as the principal permitted use for both the RA and RS zoning districts for purposes of appeals to the Coastal Commission pursuant to Section 312-13.12.3 of the County’s Coastal Zoning Ordinance and Section 30603(a)(4) of the Coastal Act. As “Second Residential Unit” is not designated as the principal permitted use for purposes of appeal, coastal development permits granted for second units in these zoning districts will be appealable to the Commission. The ability to appeal coastal permits granted for second units to the Commission affords significant protection for agricultural, visual, wetland, and environmentally sensitive habitat area resources consistent with LUP/Coastal Act sections 30240, 30241, 30242, and 30251.

To clarify permit requirements for second units, the Commission attaches Suggested Modification No. 21, which, in applicable part, would clarify that all second units would require a coastal development permit. As modified to clarify that all second units require a coastal development permit and a use permit, the criteria of Section A314-31(B) would be consistent with Coastal Act coastal permit requirements.

#### Public Services

The LUP incorporates Coastal Act Section 30250(a) requiring that new development be located within or near existing developed areas, or in other areas with adequate public services able to accommodate it. The County’s LUP distinguishes between urban and rural development, and directs development to developed areas best able to accommodate it.

Construction of a second unit on a site where a primary residence exists inherently intensifies the use of the subject parcel. The intensified use creates additional demands on public services such as water, sewage, electricity, and roads and poses the need for new, or additional public services beyond those necessary to serve the primary residence. To reduce cumulative impacts as a result of residential second units, Section A314-31(C)-(D) sets forth development regulations and standards for second units such as minimum lot size, total floor area, and design standards, but does not explicitly require demonstration of adequate water and sewer service or septic capability to serve the proposed second unit.

To effectively conform with and implement LUP policies regarding new development, second units would need to be supported by adequate services and facilities. Without such requirement, the proposed IP provisions regarding second units would allow a class of development that could displace services that are directed by the LCP to higher priority uses, and/or draw on public services even if there aren’t adequate services available.

Therefore, the proposed Implementation Plan amendment would not conform with and carry out certified LUP/Coastal Act Policy 30250(a) and must be denied. To make the necessity for adequate services and facilities explicit, the Commission attaches Suggested Modification No. 22 to add an additional development standard requiring that an applicant for a second unit provide



evidence of adequate services to serve the second residential unit including water and sewer/septic capabilities. The Commission finds that as modified, the IP amendment is consistent with LUP/Coastal Act Policy 30250(a).

### Agricultural Resources

The County's LUP incorporates Coastal Act Sections 30241 and 30242 that set forth provisions for the protection of agricultural land and minimizing conflicts between agricultural and urban land uses by, in part, limiting the conversion of agricultural land for non-agricultural uses and by assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability.

The development policies of the LUP encourage new development to be directed to areas where urban services are currently available, and require that certain findings be made prior to the extension of services. According to the County, these policies not only encourage fiscal responsibility in the provision of County services to areas of new development, but also limit unwarranted development of agriculture lands. The issue of preserving agricultural uses is particularly important on lands between Eureka and Arcata, as well as the lands west of Arcata, both being agricultural areas directly adjacent to areas of intense development.

The proposed changes are intended to allow second units in Rural Residential Agricultural Zone Districts (RA) without regard to the General plan density when the site is planned and zoned for a minimum parcel size of five (5) acres or less. In general, existing parcels of this nature are characterized as large single-family residential properties that allow for the use of agriculture. However, agricultural uses are not the dominant land use in this district. In most cases, these parcels are relatively nonproductive with respect to agricultural use potential. Furthermore, the proposed IP amendment does not pertain to areas zoned Agriculture Exclusive (AE), where the soils are productive and agricultural activity is the dominant land use.

Nonetheless, siting a residential second unit within an RA-zoned area that is used agriculturally could adversely affect agricultural productivity, inconsistent with LUP/Coastal Act policies 30241 and 30242. Therefore, the proposed Implementation Plan amendment would not conform with or carry out the certified LUP and must be denied. However, the Commission finds that the amendment could be modified to conform with the LUP. Therefore, the Commission attaches Suggested Modification No. 22 to add an additional development standard A314-31(D)12 to the residential second unit provisions of the zoning ordinance to protect agricultural productivity. The suggested modification would prohibit all development associated with second residential units from encroaching onto prime agricultural soils and where there are not prime soils be sited so as to minimize impacts to ongoing agriculturally related activities. In addition, the Commission attaches Suggested Modification No. 23 to make it clear that all residential second units must conform to these standards to be permitted.

The proposed amendment would add a requirement to the Supplemental Findings that must be made in approving second units that the development is consistent with general plan policies regarding, among others, the retention of agricultural lands. To clarify this proposed language, the Commission attaches Suggested Modification No. 23 that would change "general plan" to "LCP." In addition, the suggested modification would require the decision-making authority



must adopt supplemental findings for such units demonstrating how the development is consistent with development standard A314-31(D)12 and other standards of the second residential unit provisions of the zoning ordinance.

Therefore, as suggested to be modified, the IP amendment would be adequate to conform with and carry out the LUP policies regarding the protection of agricultural resources.

### Visual Resources

The LUP incorporates Coastal Act Section 30251 and states that the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance, and that permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, and to be visually compatible with the character of surrounding areas. New development in highly scenic areas shall be subordinate to the character of its setting. Section 30250(a), also incorporated into the LUP, requires that development be sited and designed to avoid individual and cumulative impacts on coastal resources.

To ensure that visual resources are protected consistent with the existing LUP visual policies, Suggested Modification No. 22 adds development standard A314-31(D)(10) which requires that residential second units not significantly obstruct public views from any public road, trail, or public recreation area to, and along the coast. In addition, the Commission attaches Suggested Modification No. 23 to make it clear that all residential second units must conform to this standard to be permitted. Furthermore, as provided under Suggested Modification No. 23, the decision maker would be required to make a detailed finding that the proposed residential second unit complies with this development standard for all coastal development permits that approve, or conditionally approve, residential, second units.

Therefore, the Commission finds that the proposed amendment to the IP regarding second units, as modified, conforms with and is adequate to carry out the policies of the LUP regarding visual resources.

### Environmentally Sensitive Habitat Areas

Section 30240 (incorporated by reference into the certified LUP) of the Coastal Act requires that development adjacent to ESHA is sited and designed to prevent impacts that would significantly degrade ESHA and to be compatible with the continuance of the habitat areas. The existing certified LCP provides general policies which require development adjacent to ESHA, to be regulated to avoid adverse impacts on habitat resources, including measures such as setbacks, buffers, grading and water quality controls. Additionally the LUP and Zoning Ordinance provide specific development standards by ESHA type.

To ensure that all new residential second unit development is consistent with the environmentally sensitive habitat protection policies of the certified LUP, the Commission attaches Suggested Modification No. 22 which inserts new development standard A314-31(D)(11), which prohibits second units from being sited within permitted within 100 feet of a

wetland or ESHA or the average setback of existing development as determined by the string line method, consistent with existing setback policies of the certified LCP. In addition, the Commission attaches Suggested Modification No. 23 to make it clear that all residential second units must conform to this standard to be permitted. Furthermore, as provided under Suggested Modification No. 23, the decision maker would be required to make a detailed finding that the proposed residential second unit complies with this development standard for all coastal development permits that approve, or conditionally approve, residential, second units.

Therefore, the Commission finds that the proposed amendment to the IP regarding second units as modified, conforms with and is adequate to carry out the policies of the LUP regarding environmentally sensitive habitat and wetlands.

#### Public Access/Recreation

To carry out the requirement of Section 4 of Article X of the California Constitution, Coastal Act Section 30210 (incorporated by reference into the certified LUP) provides that maximum access and recreational opportunities be provided consistent with public safety, public rights, private property rights, and natural resource protection. Coastal Act Section 30211 (also incorporated by reference into the certified LUP) requires that development not interfere with the public's right of access to the sea with certain exceptions. Section 30240 of the Coastal Act (incorporated by reference into the certified LUP) further requires that development adjacent to parks and recreation areas be sited and designed to prevent impacts. To ensure that public access and recreation are protected consistent with the existing LUP policies described above, Suggested Modification No. 22 adds development standard A314-31(D)(9) which requires that residential second units not obstruct public access to and along the coast, or public trails.

In addition, the Commission attaches Suggested Modification No. 23 to make it clear that all residential second units must conform to this standard to be permitted. Furthermore, as provided under Suggested Modification No. 23, the decision maker would be required to make a detailed finding that the proposed residential second unit complies with this development standard for all coastal development permits that approve, or conditionally approve, residential, second units.

For the reasons above, the Commission finds that the proposed IP amendments are not consistent with or adequate to carryout the provisions of LUP Policies with respect to new development, prime agricultural soils, environmentally sensitive habitat areas, and public access unless modified as suggested above.

#### **d. Suggested Modifications**

##### **Suggested Modification No. 21 (Second Units)**

Revise Section A314-31(B) as follows:

- B. Second Residential Units Permitted With Coastal Development Permit ~~or~~ and Special Permit Use Permit. A second residential unit use type, as defined in Chapter 2, may be permitted with a coastal development permit in RS and RA

zones if all the criteria of A314-31(D) are met. A second residential unit that cannot meet all the criteria in A314-31(D) may be permitted with a **coastal development permit and** special permit pursuant to A314-31(G)-(J) below **so long as the second unit meets the criteria of A314-31(D)(8)-(13) below.**

**Suggested Modification No. 22 (Second Units)**

Add the following language to Section A314-31(D):

D. Development Regulations and Standards. The following development regulations and standards shall apply to all second residential units:

...

**(8) Services. The applicant shall provide evidence of adequate services to serve the second residential unit including water supply and sewage disposal.**

**(9) Public Access. Second residential units shall not obstruct public access to and along the coast, or public trails.**

**(10) Visual Resources. Second residential units shall not significantly obstruct public views from any public road, trail, or public recreation area to, and along the coast.**

**(11) Environmentally Sensitive Habitat Areas and Wetlands. All development associated with second residential units shall be located no closer than 100 feet from the outer edge of an environmentally sensitive habitat area or the average setback of existing development immediately adjacent as determined by the "string line method."**

**(12) Agricultural Lands. All development associated with second residential units shall be prohibited on prime agricultural soils and where there are no prime soils be sited so as to minimize impacts to ongoing agriculturally-related activities.**

**Suggested Modification No. 23 (Second Units)**

Add the following language to Section A315-16 regarding Supplemental Findings for Second Residential Units:

A. Residential Use Findings.

- (1) Second Residential Unit. The second residential unit is subordinate to the principal residence and is compatible with the character of the neighborhood, and the development is consistent with ~~general plan~~ **LCP** policies regarding maintenance of open space, retention of agriculture and timber lands, and ~~protection of the environment.~~ **the criteria of A314-31(D)(8)-(12).**

## 8. HOME OCCUPATIONS

### a. Amendment Description

Currently, home occupations are permitted under Coastal Zoning Section A314-17 as appurtenant and accessory to any residential use in any zoning district subject to the satisfying the requirements of the Home Occupation section of the zoning ordinance. Home occupations are required to be limited to being within dwellings and clearly incidental and secondary to residential uses, and must protect surrounding properties from objectionable external effects resulting from the occupation. Home Occupations are defined by the County's LCP as, "*an accessory use of a nonresidential nature which is performed within a dwelling unit, by an occupant of the living unit and which is clearly incidental and secondary to the residential use of the dwelling unit.*"

The County proposes to amend Coastal Zoning Ordinance Section A314-17 regarding Home Occupations in a manner that would provide for modifications or waivers of Home Occupation standards including location, entry access, physical alterations, and the number of employees. The changes would, upon obtaining a coastal development permit, allow for (1) a home occupation to be located in an area other than a habitable room of a dwelling unit, (2) interior and exterior physical alterations provided the alterations retain the residential character of the structure, (3) a separate designated access or private entrance specifically intended for the home occupation use, and (4) one person other than residents of the dwelling to be employed in the conduct of the home occupation.

### b. Relevant LUP Policies

The certified LUP directly incorporates a number of Chapter 3 policies of the Coastal Act, including Sections 30251 and 30240. These policies are as follows:

#### LUP/Coastal Act Section 30251

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

#### LUP/Coastal Act Section 30240

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

**c. Analysis**

The proposed amendment that would allow waiving standards regarding location and physical alterations with a coastal development permit raises several issues with its ability to conform with and carry out the provisions of the certified LUP, including potential impacts to visual resources and environmentally sensitive habitat areas.

Visual Resources

The LUP incorporates Coastal Act Section 30251 and states that the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance, and that permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, and to be visually compatible with the character of surrounding areas. New development in highly scenic areas shall be subordinate to the character of its setting.

As proposed, the amendment would allow the hearing officer to waive the standard prohibiting the owner of any dwelling used for a home occupation from making any internal alterations or extensions to the dwelling, or making structural, electrical, or plumbing alterations not customarily found in similar dwellings. Waiver of this standard and the standard requiring that a home occupation be located within a habitable room of a dwelling and not located in an open area would be allowed with a coastal development permit and only if interior and exterior physical alterations retain the residential character of the structure.

Waiver of these development standards would require a coastal development permit as noted, and thus would be required to be evaluated for consistency with the visual resource protection policies of the LUP. As home occupations are considered principal uses in all zoning districts, any coastal development permit issued to waive the standards for home occupations, including the physical alterations and location standard, would not be automatically appealable to the Coastal Commission pursuant to Coastal Act Section 30603(4). However, those proposed home occupations constituting development that require a coastal development permit pursuant to the Coastal Act and the Commission's regulations that would be located in the geographic appeal areas specified in Section 30603 of the Coastal Act would still be appealable to the Commission. These geographic appeal areas include those areas located between the sea and the first public road paralleling the sea, or within three hundred feet of the inland extent of any beach, or of the mean high tide line of the sea where there is no beach, or within one hundred feet of any wetland or stream, or within three hundred feet of the top of the seaward face of any coastal bluff, or those located in a sensitive coastal resource area. Thus, permits for those home occupations in locations most likely to raise concerns about impacts to coastal resources would remain appealable to the Commission.

Therefore, the proposed amendment to the home occupation standards of the coastal zoning ordinance would conform with and be adequate to carry out the visual resource protection policies of the land use plan, as modified.

### Environmentally Sensitive Habitat Area

The LUP incorporates Coastal Act Section 30240 that requires environmentally sensitive habitat areas (ESHA) to be protected against any significant disruption of habitat values, and that only uses dependent on such resources be allowed within such areas. It further requires that development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and be compatible with the continuance of such habitat areas.

As discussed above, the proposed amendment would allow the hearing officer to waive the location development standard that currently requires home occupations to operate in a habitable room of a dwelling and specifically prohibits home occupations from being located in an open area. Waiver of this development standard would require a coastal development permit as noted, and thus would be required to be evaluated for consistency with the environmentally sensitive habitat area protection policies of the LUP. As home occupations are considered principal uses in all zoning districts, any coastal development permit issued to waive the standards for home occupations, including the location standard, would not be automatically appealable to the Coastal Commission pursuant to Coastal Act Section 30603(4). However, those proposed home occupations constituting development that require a coastal development permit pursuant to the Coastal Act and the Commission's regulations that would be located in the geographic appeal areas specified in Section 30603 of the Coastal Act would still be appealable to the Commission. These geographic appeal areas include those areas located between the sea and the first public road paralleling the sea, or within three hundred feet of the inland extent of any beach, or of the mean high tide line of the sea where there is no beach, or within one hundred feet of any wetland or stream, or within three hundred feet of the top of the seaward face of any coastal bluff, or those located in a sensitive coastal resource area. Thus, permits for those home occupations in locations most likely to raise concerns about impacts to coastal resources would remain appealable to the Commission.

Therefore, the proposed amendment to the home occupation standards of the coastal zoning ordinance would conform with and be adequate to carry out the environmentally sensitive habitat protection policies of the land use plan, as modified.

## **9. OTHER PROVISIONS**

The proposed amendment also includes several additional proposed changes to the Coastal Zoning Ordinance that do not raise an issue of conformance with or ability to carry out and implement the land use plan. These miscellaneous amendments include:

- Reducing permit requirements for caretakers apartments in commercial areas;
- Eliminating the requirement that duplexes be built side-by-side;
- Allowing parkland dedication fees for second units to be paid upon construction of the second unit;

- Clarifying when single-family homes can be allowed on multi-family zoned lots.

**a. Amendment Description**

**Caretaker's Residence**

The proposed amendment would move "Caretaker's Residence" from a conditionally permitted use type to a principal permitted use type in the Neighborhood Commercial (CN) zoning district. The amendment would clarify that the caretaker's residence is a principal permitted use in the CN district when it is incidental to and under the same ownership as an existing commercial use.

**Duplex Unit Configuration**

The proposed amendment would modify the definition of "Duplex" under the definitions of Residential Building Types (Section A312-4) to delete the requirement that the dwelling units be placed side by side. The change would allow for more flexible siting of duplex units.

**Parkland Dedication**

The proposed amendment would change the provisions regarding payment of parkland dedication fees and cause the provisions to apply throughout the coastal zone where parkland dedication fees are required, rather than just to the McKinleyville planning area. The amendment would add provisions for deferred payment of parkland dedication fees for secondary dwelling units until the second units are actually constructed. The amendment also adds a provision requiring that a fee paid in-lieu of land dedication be paid to the County prior to the recordation of the subdivision map or parcel map. The purpose of the parkland dedication requirements is to provide opportunities for public recreation in conjunction with residential development in conformity with the County General Plan.

**Single-Family Homes on Multi-Family Zoned Lots**

The proposed amendment adds a provision to the multi-family use zone provisions (RM) that states that single family residential uses are a conditionally permitted use in a multi-family zoning district "where it can be shown that the property could be developed in the future with multifamily dwellings. The Hearing Officer may require submittal of a development plan which shows how the multifamily dwelling units could be sited on the property in conformance with County requirements.

**b. Analysis**

These amendments all involve minor procedural or standard changes to the Implementation Plan that do not affect the basic designations or criteria of the Land Use Plan. All of these remaining amendment components can be approved as submitted as conforming with and being adequate to carry out the Land Use Plan.

**10. PRINCIPAL PERMITTED USES**

The proposed amendment to the Implementation Program includes various changes specifically to eleven of the nineteen zoning districts in the County's coastal zoning ordinance and to all zoning districts including the following: Neighborhood Commercial (CN), Public Recreation

(PR), Commercial Recreation (CR), Coastal-Dependent Commercial Recreation (CRD), Residential Single Family (RS), Residential Multi-Family (RM), Mixed Residential (R2), Rural Residential Agriculture (RA), Agriculture Exclusive (AE), Commercial Timber (TC), and Timberland Commercial Zone (TPZ). The existing IP includes a list of principal and conditional uses within each zoning district, as well as standards for lot size, density, site development, setbacks, etc.

**a. Need for Modification**

In general, the proposed amendment to the Implementation Program is consistent with and adequate to carry out the Land Use Plan, as modified by the suggested modifications discussed above. However, a few additional modifications are suggested to further bring the County's Coastal Zoning Ordinance into compliance with Coastal Act requirements.

Specifically, Coastal Act Section 30603 lists the types of development that may be appealed to the Coastal Commission when a local government has taken action on a coastal development permit application. Section 30603(4) includes: "Any development approved by a coastal county that is not designated as *the* principal permitted use under the zoning ordinance or zoning district map approved pursuant to Chapter 6 (commencing with Section 30500)" (emphasis added).

Neither the existing zoning districts in the IP, nor the language of the proposed amendment, identify one single principal permitted use for the purpose of appeals to the Coastal Commission. Since no one use is designated as the "principal permitted use," the IP is interpreted such that every development permitted as a principal permitted use in a particular zoning district is appealable to the Commission. This creates a cumbersome and unnecessary problem that can be rectified by identifying one "principal permitted use" for purposes of appeals to the Coastal Commission. Suggested Modification Nos. 24-34 would identify one "principal permitted use" for each zoning district implicated by the proposed amendment, as described below. The uses are defined in the "Glossary of Use Types" contained in Section D of the certified zoning ordinance. Suggested Modification No. 35 would add a new Section 163.1.9 and subsections 163.1.9.1-163.1.9.11 to Section D of the zoning ordinance to enumerate the activities included as the principal permitted use for each zoning district. Suggested Modification No. 35 would clarify that these activities are allowed without a conditional use permit and are considered the "principal permitted use" for purposes of appeal to the Coastal Commission pursuant to Coastal Act Section 30603(a)(4).

The Commission further notes that Sections 163.1.9 and 163.1.9.9 of Suggested Modification No. 35 clarify certain exceptions to the designation of the principal permitted use in the Agriculture Exclusive (AE) zoning district. Specifically, these sections of Suggested Modification No. 35 clarify that although Single Family Residential, Second Agriculture or Timber Commercial Production Residence on a lot sixty (60) acres or larger in size, and Cottage Industry uses are included under the Agriculture Exclusive Principal Permitted Use and thus, do not require a conditional use permit, these uses are not considered the principal permitted use for purposes of appeal to the Commission pursuant to Coastal Act Section 30603(a)(4). The County's LUP incorporates Coastal Act Sections 30241 and 30242 that set forth provisions for the protection of agricultural land and minimizing conflicts between agricultural and urban land



uses by, in part, limiting the conversion of agricultural land for non-agricultural uses and by assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability. Lands zoned Agriculture Exclusive (AE) are specifically reserved for long-term productive agricultural use, namely the production of food, fiber, or plants. The Commission finds that the development of uses not central to agricultural use on AE lands, such as residential development and cottage industries, raise significant issues with regard to the potential to impair agricultural viability of the land in a manner inconsistent with the intent of the zoning designation and the protection of agricultural resources. Therefore, the Commission finds that it is important to reserve the Commission's ability to appeal any residential development and associated cottage industry approved by the County on AE lands that raises a potential issue of conformance with the policies in the certified LCP regarding the protection of agricultural lands.

To further clarify permit procedures and processing requirements in the County's coastal zoning ordinance, Suggested Modification No. 36 would clarify the County's public hearing requirements consistent with Coastal Act Section 30624.9. Coastal Act Section 30624.9 allows local governments to waive the requirement for a public hearing on a coastal development permit application for a minor development unless a hearing is specifically requested within 15 working days of the local government sending required notice of the proposed development. "Minor development" is defined by Coastal Act Section 30624.9 as a development that (1) is consistent with the certified LCP, (2) requires no discretionary approvals other than a coastal development permit, and (3) has no adverse effect either individually or cumulatively on coastal resources or public access to the shoreline or along the coast. As currently certified, the County's zoning ordinance, specifically Section 312-9.2.4, requires a public hearing for all coastal development permits that are appealable to the Coastal Commission.

Suggested Modification No. 36 would explicitly incorporate the provisions of Coastal Act Section 30624.9 into the IP to allow the County to waive public hearing requirements for appealable development that meets the criteria of a minor development when no public hearing is requested. For example, these provisions would allow the County to streamline processing requirements for a principal permitted use that meets the definition of minor development located in an area of the Commission's geographic appeal jurisdiction. Suggested Modification No. 36 would also add a statement clarifying that second residential units do not require a public hearing consistent with Government Code Section 65852.2 as discussed in Section No. 7 above.

**b. Suggested Modifications**

**Suggested Modification No. 24**

Revise Section 313-2.1, CN: Neighborhood Commercial as follows:

**313-2 COMMERCIAL ZONE REGULATIONS**

<b>313-2.1</b>	<b>CN: Neighborhood Commercial</b>
<div>Use Type</div> <div><del>Civic Use Types</del></div> <div><del>Commercial Use Types</del></div> <div>Use Type</div> <div>Residential Use Types</div> <div>Civic Use Types</div> <div>Commercial Use Types</div> <div>Industrial Use Types</div> <div>Use Types Not Listed in This Table**</div>	<div>Principal Permitted Use</div> <div><del>Minor Utilities</del></div> <div>Neighborhood Commercial</div> <div>Conditionally Permitted Use</div> <div>Caretaker's Residence.</div> <div>Administrative</div> <div>Community Assembly</div> <div>Essential Services</div> <div>Minor Generation and Distribution Facilities</div> <div>Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations</div> <div>Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations</div> <div>Retail Sales</div> <div>Retail Services</div> <div>Office and Professional Service</div> <div>Cottage Industry; subject to the Cottage Industry Regulations.</div> <div>Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the CN zone.</div>

\*See, Industrial Performance Standards, Section 313-103.1.

\*\*See, "Classifying Uses Not Specifically Mentioned in Use Type Descriptions," Section 313-165.

<b>313-2.1 CN: Neighborhood Commercial</b>	
<b>Development Standards</b>	
<b>Minimum Lot Size</b>	5,000 square feet
<b>Minimum Lot Width</b>	Fifty feet (50')
<b>Maximum Lot Depth</b>	Three (3) times the lot width
<b>Maximum Density</b>	(None specified.)
<b>Minimum Yard Setbacks***</b>	
Front	None, except that where frontage is in a block which is partially in a Residential (RS, R2, RM) zone, the front yard shall be same as that required in such Residential zone
Rear	Fifteen feet (15'), except that where a rear yard abuts an alley, such rear yard may be not less than five feet (5')
Side	None, except that a side yard of an interior lot abutting on a Residential (RS, R2, RM) zone or an Agricultural (AE) zone shall not be less than the front yard required in such Residential zone or Agricultural zone.
Flag Lots	For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.
<b>Maximum Ground Coverage</b>	(None specified).
<b>Maximum Structure Height</b>	Forty-five feet (45')
<b>Permitted Main Building Types</b>	Ancillary Residential, Manufactured Home Limited Mixed Residential - Nonresidential Nonresidential Detached, Multiple/Group

\*\*\*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 313-30: "Alquist-Priolo Fault Hazard" and the "Fire Safe Regulations" at Title III, Division 11.(Former Section CZ#A313-21(A-C))

**Suggested Modification No. 25**

Revise Section 313-5.1, PR: Public Recreation as follows:

<b>313-5.1</b>	<b>PR: Public Recreation</b>
<p><b>Use Type</b></p> <p><del>Civic Use Types</del></p> <p><del>Natural Resource Use Types</del></p> <p><b>Use Type</b></p> <p>Residential Use Types</p> <p>Civic Use Types</p> <p>Commercial Use Types</p> <p>Natural Resource Use Types</p> <p>Use Types Not Listed in This Table**</p>	<p><b>Principal Permitted Use</b></p> <p><del>Public Recreation and Open Space</del></p> <p><del>Minor Utilities</del></p> <p><del>Coastal Access Facilities</del></p> <p><b>Conditionally Permitted Use</b></p> <p>Caretaker's Residence</p> <p>Essential Services</p> <p>Oil and Gas Pipelines; subject to the Oil and Gas Pipeline Regulations</p> <p>Minor Generation and Distribution Facilities</p> <p>Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations</p> <p>Visitor Serving Facilities</p> <p>Commercial Recreation</p> <p>Coastal-Dependent Recreation</p> <p>Recreational Vehicle Park</p> <p>Fish and Wildlife Habitat Management</p> <p>Watershed Management</p> <p>Wetland Restoration</p> <p>Resource-Related Recreation</p> <p>Boating Facilities</p> <p>Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the PR zone.</p>
<b>Development Standards</b>	
<b>Minimum Lot Size</b>	5,000 square feet.
<b>Minimum Lot Width</b>	Fifty feet (50').
<b>Maximum Lot Depth</b>	Three (3) times the lot width.
<b>Maximum Density</b>	(None specified.)
<b>Minimum Yard Setbacks***</b>	
Front	None, except that where frontage is in a block which is partially in a Residential (RS, R2, RM) zone, the front yard shall be same as that required in such Residential zone
Rear	Fifteen feet (15'), except that where a rear yard abuts an alley, such rear yard may be not less than five feet (15').
Side	None, except that a side yard of an interior lot abutting on a Residential (RS, R2, RM) zone or an Agricultural (AE) zone shall not be less than the front yard required in such Residential zone or Agricultural zone.
Flag Lots	For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.
<b>Maximum Ground Coverage</b>	Thirty-five percent (35%).
<b>Maximum Structure Height</b>	Thirty-five feet (35').
<b>Permitted Main Building Types</b>	Ancillary Residential; Manufactured Home. Limited Mixed Residential - Nonresidential. Nonresidential Detached, Multiple/Group.

**Suggested Modification No. 26**

Revise Section 313-5.2, CR: Commercial Recreation as follows:

313-5.2 <b>Use Type</b>	<b>CR: Commercial Recreation</b> <b>Principal Permitted Use</b>
<del>Civic Use Types</del> <del>Commercial Use Types</del>	<del>Minor Utilities</del> <del>Visitor Serving Facilities</del> <del>Transient Habitation</del>
<del>Natural Resource Use Types</del>	Commercial Recreation <del>Coastal Dependent Recreation</del> Resource Related Recreation <del>Coastal Access Facilities</del>
<b>Use Type</b>	<b>Conditionally Permitted Use</b>
Residential Use Types	Single Family Residential Caretaker's Residence
Civic Use Types	Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations Minor Generation and Distribution Facilities
Commercial Use Types	Recreational Vehicle Park
Commercial Timber Use Types	Timber Production
Natural Resource Use Types	Fish and Wildlife Management Watershed Management Wetland Restoration
Use Types Not Listed in This Table**	Boating Facilities Improvements Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the CR zone.
<b>Development Standards</b>	
<b>Minimum Lot Size</b>	5,000 square feet.
<b>Minimum Lot Width</b>	Fifty feet (50').
<b>Maximum Lot Depth</b>	Three (3) times the lot width.
<b>Maximum Density</b>	(None specified.)
<b>Minimum Yard Setbacks***</b>	
Front	None, except that where frontage is in a block which is partially in a Residential (RS, R2, RM) zone, the front yard shall be same as that required in such Residential zone
Rear	Fifteen feet (15'), except that where a rear yard abuts an alley, such rear yard may be not less than five feet (5').
Side	None, except that a side yard of an interior lot abutting on a Residential (RS, R2, RM) zone or an Agricultural (AE) zone shall not be less than the front yard required in such Residential zone or Agricultural zone.
Flag Lots	For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.
<b>Maximum Ground Coverage</b>	(None specified.)
<b>Maximum Structure Height</b>	Forty-five feet (45').
<b>Permitted Main Building Types</b>	Ancillary Residential; Manufactured Home. Limited Mixed Residential – Nonresidential. Nonresidential Detached, Multiple/Group.

**Suggested Modification No. 27**

Revise Section 313-5.3, CRD: Coastal Dependent Commercial Recreation as follows:

<b>313-5.3</b> <b>Use Type</b>	<b>CRD: Coastal-Dependent Commercial Recreation</b> <b>Principal Permitted Use</b>
<del>Civic Use Types</del> <del>Commercial Use Types</del> <del>Natural Resource Use Types</del>	<del>Minor Utilities</del> <del>Coastal-Dependent Recreation</del> <del>Resource-Related Recreation</del> <del>Coastal Access Facilities</del>
<b>Use Type</b>	<b>Conditionally Permitted Use</b>
Residential Use Types	Single Family Residential Caretaker's Residence
Civic Use Types	Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations Minor Generation and Distribution Facilities
Commercial Use Types	Visitor Serving Facilities Transient Habitation Commercial Recreation Recreational Vehicle Park
Natural Resource Use Types	Fish and Wildlife Management Watershed Management Wetland Restoration Boating Facilities Improvements
Use Types Not Listed in This Table**	Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the CRD zone.

\*\*See, "Classifying Uses Not Specifically Mentioned in Use Type Descriptions," Section 313-165.

<b>313-5.3 CRD: Coastal-Dependent Commercial Recreation</b>	
<b>Development Standards</b>	
<b>Minimum Lot Size</b>	5,000 square feet.
<b>Minimum Lot Width</b>	Fifty feet (50').
<b>Maximum Lot Depth</b>	Three (3) times the lot width.
<b>Maximum Density</b>	(None specified.)
<b>Minimum Yard Setbacks***</b>	
Front	None, except that where frontage is in a block which is partially in a Residential (RS, R2, RM) zone, the front yard shall be same as that required in such Residential zone
Rear	Fifteen feet (15'), except that where a rear yard abuts an alley, such rear yard may be not less than five feet (5').
Side	None, except that a side yard of an interior lot abutting on a Residential (RS, R2, RM) zone or an Agricultural (AE) zone shall not be less than the front yard required in such Residential zone or Agricultural zone.
Flag Lots	For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.
<b>Maximum Ground Coverage</b>	(None specified.)
<b>Maximum Structure Height</b>	Forty-five feet (45').
<b>Permitted Main Building Types</b>	Ancillary Residential; Manufactured Home. Limited Mixed Residential - Nonresidential. Nonresidential Detached, Multiple/Group.

\*\*See, "Classifying Uses Not Specifically Mentioned in Use Type Descriptions," Section 313-165.

\*\*\*Note: Setbacks may be modified by other provisions of this Code or State law. For example, Section 313-30: "Alquist-Priolo Fault Hazard" and the "Fire Safe Regulations" at Title III, Division 11.  
(Former Section CZ#A313-24(A-C))

**Suggested Modification No. 28**

Revise Section 313-6.1, RS: Residential Single Family as follows:

**313-7 RESIDENTIAL ZONE DISTRICTS**

<b>313-6.1</b>	<b>RS: Residential Single Family</b>
<b>Use Type</b>	<b>Principal Permitted Use</b>
<del>Residential Use Types</del>	Single Family Residential
<del>Civic Use Types</del>	<del>Minor Utilities</del>
<b>Use Type</b>	<b>Conditionally Permitted Use</b>
Residential Use Types	Manufactured Home Park; subject to the Manufactured Home Park Regulations
	Guest House
Civic Use Types	Essential Services
	Community Assembly
	Public Recreation and Open Space
	Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations
	Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations
	Minor Generation and Distribution Facilities
Commercial Use Types	Bed and Breakfast Establishments; subject to the Bed and Breakfast Establishment Regulations
	Neighborhood Commercial
	Private Institution
	Private Recreation
Commercial Timber Use Type	Timber Production
Industrial Use Types*	Cottage Industry; subject to the Cottage Industry Regulations
Extractive Use Type	Surface Mining - 2; subject to the Surface Mining Regulations
Natural Resource Use Type	Fish and Wildlife Management
	Watershed Management
	Wetland Restoration
	Coastal Access Facilities
Use Types Not Listed in This Table**	Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the RS zone.

\*See, Industrial Performance Standards, Section 313-103.1.

\*\*See, "Classifying Uses Not Specifically Mentioned in Use Type Descriptions," Section 313-165. (Former Section CZ#A313-16(A-C); Amended by Ord. 1853, 12/20/88)



<b>313-6.1 RS: Residential Single Family</b>		
<b>Development Standards</b>		
<b>Minimum Lot Size and Minimum Lot Width</b>		
Zone Designation	Minimum Lot Size	Minimum Lot Width
RS-5	5,000 sq. ft.	50 feet
RS-7.5	7,500 sq. ft.	60 feet
RS-10	10,000 sq. ft.	60 feet
RS-20	20,000 sq. ft.	75 feet
RS-40	40,000 sq. ft.	150 feet
<b>Maximum Lot Depth</b>	Three (3) times the lot width.	
<b>Maximum Density</b>	Either one dwelling unit (1du) per lawfully created lot or two dwelling units (2du) per lawfully created lot if a Special Permit is secured for a second residential unit. In a manufactured home park, one dwelling unit per manufactured home lot is permitted up to the maximum density allowed by the General Plan.	
<b>Minimum Yard Setbacks***</b>		
Front	Twenty feet (20').	
Rear	Ten feet (10').	
Interior Side	Five feet (5').	
Exterior Side	Same as front or one-half (½) the front if all parts of the main building are more than twenty-five feet (25') from the rear lot line, and the exterior side yard does not abut a "collector" or "higher order street" (see, this Chapter, Section C: Index of Definitions of Language and Legal Terms). In questionable cases, the Public Works Director shall classify the subject street. A record of all streets so classified shall be maintained as a public record which is available to the public at Community Development Services and/or the Department of Public Works.	
Double Frontage Lots	Front and rear yards shall be twenty feet (20'); except that the rear yard setback may be reduced to ten feet (10') where such yard abuts an alley.	
Flag Lots	For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.	
<b>Maximum Ground Coverage</b>	Thirty-five percent (35%).	
<b>Maximum Structure Height</b>	Thirty-five feet (35').	
<b>Permitted Main Building Types</b>	Residential Single Detached; Manufactured Homes in Manufactured Home Parks. Limited Mixed Residential-Nonresidential. Nonresidential Detached or Multiple/Group.	

\*\*\*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 313-30: "Alquist-Priolo Fault Hazard" and the "Fire Safe Regulations" at Title III, Division 11.

(Former Section CZ#A313-16(A-C); Amended by Ord. 1853, 12/20/88)

**Suggested Modification No. 29**

Revise Section 313-6.2, RM: Residential Multi-Family as follows:

<b>313-6.2 Use Type</b>	<b>RM: Residential Multi-Family Principal Permitted Use</b>
<del>Residential Use Types</del>	Multi Family Residential
<del>Civic Use Types</del>	<del>Group Residential</del>
<b>Use Type</b>	<b>Conditionally Permitted Use</b>
Residential Use Types	Single Family Residential
	Manufactured Home Parks; subject to the Manufactured Home Park Regulations
Civic Use Types	Essential Services
	Community Assembly
	Non-Assembly Cultural
	Public Recreation and Open Space
	Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations
	Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations
Commercial Use Types	Bed and Breakfast Establishments; subject to the Bed and Breakfast Establishment Regulations
	Transient Habitation
	Private Recreation
	Neighborhood Commercial
	Office and Professional Service
	Private Institution
Commercial Timber Use Type	Timber Production
Natural Resource Use Type	Fish and Wildlife Management
	Watershed Management
	Wetland Restoration
	Coastal Access Facilities
Use Types Not Listed in This Table**	Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the RM zone.
<b>Development Standards</b>	
<b>Minimum Lot Size</b>	5,000 square feet.
<b>Minimum Lot Width</b>	Fifty feet (50').
<b>Maximum Lot Depth</b>	Three (3) times the lot width.
<b>Maximum Density</b>	The maximum density as specified on the adopted zoning maps. A minimum of one dwelling unit (1du) per lawfully created lot is permitted, even if the specified maximum dwelling unit density is exceeded, if it meets all other development standards. The maximum density shall be calculated as the total number of dwelling units divided by the total area within the lot and within one-half of any adjacent street.

\*\*See, "Classifying Uses Not Specifically Mentioned in Use Type Descriptions," Section 313-165. (Former Section CZ#A313-14(A-C))

<b>313-6.2 RM: Residential Multi-Family</b>	
<b>Development Standards</b>	
<b>Minimum Yard Setbacks***</b>	
Front	Twenty feet (20').
Rear	Ten feet (10').
Interior Side	Five feet (5').
Exterior Side	Same as front or one-half (½) the front if all parts of the main building are more than twenty-five feet (25') from the rear lot line, and the exterior side yard does not abut a "collector" or "higher order street" (see, this Chapter, Section C: Index of Definitions of Language and Legal Terms). In questionable cases, the Public Works Director shall classify the subject street. A record of all streets so classified shall be maintained as a public record which is available to the public at Community Development Services and/or the Department of Public Works.
Double Frontage Lots	Front and rear yards shall be twenty feet (20'), except that the rear yard setback may be reduced to ten feet (10') where such yard abuts an alley.
Flag Lots	For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.
<b>Minimum Setbacks Between Detached Multiple Unit Dwellings</b>	On building sites containing more than one (1) main detached multiple unit residential building, the following required distances between such buildings apply:
Minimum distance between buildings:	Ten feet (10').
Minimum distance between the front of any dwelling unit in a building and any other building on-site:	Twenty feet (20').
Minimum distance between the front of any dwelling unit and any side lot line:	Twelve feet (12').
Minimum distance between buildings exceeding two (2) stories:	Two foot (2') increase, over setbacks specified in this section, for each additional story.
<b>Maximum Ground Coverage</b>	Sixty Percent (60%).
<b>Maximum Structure Height</b>	Forty-five feet (45').
<b>Permitted Main Building Types</b>	Single Detached (only one dwelling per lot), Manufactured homes in manufactured home parks. Duplex, Multiple dwellings, and Multiple/Group. Limited Mixed Residential-Nonresidential. Nonresidential Detached, or Multiple/Group.

\*\*\*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 313-30: "Alquist-Priolo Fault Hazard" and the "Fire Safe Regulations" at Title III, Division 11.

(Former Section CZ#A313-14(A-C))

**Suggested Modification No. 30**

Revise Section 313-6.3, R2: Mixed Residential as follows:

313-6.3	R2: Mixed Residential
<p><b>Use Type</b>  <del>Residential Use Types</del></p>	<p><b>Principal Permitted Use</b>  <del>Single-Family Residential</del>  <b>Mixed Residential</b>  <del>Multi-Family Residential (Duplex only)</del></p>
<p><del>Civic Use Types</del>  <b>Use Type</b>          Residential Use Types</p>	<p><del>Minor Utilities</del>  <b>Conditionally Permitted Use</b></p>
<p>Civic Use Types</p>	<p>Manufactured Home Park; subject to the          Manufactured Home Park Regulations</p>
<p>Commercial Use Types</p>	<p>Guest House          Essential Services          Community Assembly          Public Recreation and Open Space          Oil and Gas Pipelines; subject to the Oil and Gas Pipelines          Regulations          Major Electrical Distribution Lines; subject to the Electrical Distribution          Lines Regulations          Minor Generation and Distribution Facilities</p>
<p>Commercial Timber Use Type</p>	<p>Bed and Breakfast Establishments; subject to the Bed and Breakfast          Establishment Regulations          Neighborhood Commercial          Private Institution          Private Recreation          Timber Production</p>
<p>Industrial Use Types*</p>	<p>Cottage Industry; subject to the Cottage Industry Regulations</p>
<p>Extractive Use Type</p>	<p>Surface Mining - 2; subject to the Surface Mining Regulations</p>
<p>Natural Resource Use Type</p>	<p>Fish and Wildlife Management          Watershed Management          Wetland Restoration          Coastal Access Facilities</p>
<p>Use Types Not Listed in This          Table**</p>	<p>Any use not specifically enumerated in this Division, if it is similar to          and compatible with the uses permitted in the R2 zone.</p>

\*See, Industrial Performance Standards, Section 313-103.1.

\*\*See, "Classifying Uses Not Specifically Mentioned in Use Type Descriptions," Section 313-165.

(Former Section CZ#A313-15(A)(1-2); Amended by Ord. 1853, 12/20/88; Amended by Ord. 1875, Sec. 2, 9/26/89)

<b>313-6.3 R2: MIXED RESIDENTIAL</b>	
<b>Development Standards</b>	
<b>Minimum Lot Size</b>	5,000 square feet.
<b>Minimum Lot Width</b>	Fifty feet (50').
<b>Maximum Lot Depth</b>	Three (3) times the lot width.
<b>Maximum Density</b>	(None specified.)
<b>Minimum Yard Setbacks***</b>	
Front	Twenty feet (20').
Rear	Ten feet (10').
Interior Side	Five feet (5').
Exterior Side	Same as front or one-half ( $\frac{1}{2}$ ) the front if all parts of the main building are more than twenty-five feet (25') from the rear lot line, and the exterior side yard does not abut a "collector" or "higher order street" (see, this Chapter, Section C: Index of Definitions of Language and Legal Terms). In questionable cases, the Public Works Director shall classify the subject street. A record of all streets so classified shall be maintained as a public record which is available to the public at Community Development Services and/or the Department of Public Works.
Double Frontage Lots	Front and rear yards shall be twenty feet (20'), except that the rear yard setback may be reduced to ten feet (10') where such yard abuts an alley.
Flag Lots	For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.
<b>Maximum Ground Coverage</b>	Thirty-five percent (35%).
<b>Maximum Structure Height</b>	Thirty-five feet (35').
<b>Permitted Main Building Types</b>	Residential Single Detached; Manufactured Homes in Manufactured Home Parks. Only one dwelling per lot or manufactured home lot except where a permit is approved to allow for a second residential unit (see, Second Residential Dwelling Unit in Section 313-87.1). Duplex. Limited Mixed Residential-Nonresidential. Nonresidential Detached or Multiple/Group.

\*\*\*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 313-30: "Alquist-Priolo Fault Hazard" and the "Fire Safe Regulations" at Title III, Division 11.

(Former Section CZ#A313-15(A)(1-2); Amended by Ord. 1853, 12/20/88; Amended by Ord. 1875, Sec. 2, 9/26/89)

**Suggested Modification No. 31**

Revise Section 313-6.4, RA: Rural Residential Agriculture as follows:

<b>313-6.4</b>	<b>RA: Rural Residential Agriculture</b>
<b><u>Use Type</u></b>	<b>Principal Permitted Use</b>
<del>Residential Use Types</del>	<del>Single-Family</del> <b><u>Rural Residential Agriculture</u></b>
<del>Civic Use Types</del>	<del>Minor Utilities</del>
<del>Agricultural Use Types</del>	<del>General Agriculture</del>
<b><u>Use Type</u></b>	<b>Conditionally Permitted Use</b>
Residential Use Types	Guest House
Civic Use Types	Essential Services
	Community Assembly
	Public Recreation and Open Space
	Solid Waste Disposal; subject to the Solid Waste Disposal Regulations
	Oil and Gas Pipelines; subject to the Oil and Gas Pipeline Regulations
	Major Electrical Distribution Lines; subject to the Electrical Distribution
	Lines Regulations
	Minor Generation and Distribution Facilities
Commercial Use Types	Neighborhood Commercial
	Bed and Breakfast Establishment; subject to the Bed and Breakfast
	Establishment Regulations
	Private Recreation
Industrial Use Types*	Cottage Industry; subject to the Cottage Industry Regulations
Agricultural Use Types	Stables and Kennels
	Intensive Agriculture
Commercial Timber Use Type	Timber Production
Extractive Use Type	Surface Mining - 2; subject to the Surface Mining Regulations
Natural Resource Use Types	Fish and Wildlife Management
	Watershed Management
	Wetland Restoration
	Coastal Access Facilities
Use Types Not Listed in This Table**	Any use not specifically enumerated in this Division, if it is similar to and
	compatible with the uses permitted in the RA zone.

\*See, Industrial Performance Standards, Section 313-103.1.

\*\*See, "Classifying Uses Not Specifically Mentioned in Use Type Descriptions," Section 313-165.  
(Former Section CZ#A313-17(A-C); Amended by Ord. 1853, 12/20/88)

<b>313-6.4 RA: RURAL RESIDENTIAL AGRICULTURE</b>		
<b>Development Standards</b>		
<b>Minimum Lot Size and Minimum Lot Width</b>		
Zone Designation	Minimum Lot Size	Minimum Lot Width
RA -1	1.0 acres	150 feet
RA -2	2.0 acres	175 feet
RA -2.5	2.5 acres	175 feet
RA -5	5.0 acres	250 feet
RA -10	10.0 acres	350 feet
RA -20	20.0 acres	475 feet
RA -40	40.0 acres	750 feet
<b>Maximum Lot Depth</b>	Four (4) times the lot width.	
<b>Maximum Density</b>	Either one dwelling unit (1du) per lawfully created lot or two dwelling units (2du) per lawfully created lot if a Special Permit is secured for a second residential unit.	
<b>Minimum Yard Setbacks***</b>	<b>Minimum Lot Size Less Than 2.5 Acres</b>	<b>Minimum Lot Size 2.5 Acres or Greater</b>
Front	Twenty feet (20')	Twenty feet (20'); Thirty feet (30') for flag lots
Rear	Ten feet (10')	Thirty feet (30')
Interior Side	Five feet (5')	Thirty feet (30')
Exterior Side	Twenty feet (20')	Twenty feet (20')
Flag Lots	For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.	For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.
Double Frontage Lots	Front and rear yards shall be twenty feet (20'), except that the rear yard setback may be reduced to ten feet (10') where such yard abuts an alley.	Front and rear yards shall be twenty feet (20'), except that the rear yard setback may be reduced to ten feet (10') where such yard abuts an alley.
<b>Maximum Ground Coverage</b>	Thirty-five percent (35%)	
<b>Maximum Structure Height</b>	Thirty-five feet (35').	
<b>Permitted Main Building Types</b>	Residential Single Detached Limited Mixed Residential - Nonresidential Nonresidential Detached or Multiple/Group	

\*\*\*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 313-30: "Alquist-Priolo Fault Hazard" and the "Fire Safe Regulations" at Title III, Division 11.

(Former Section CZ#A313-17(A-C); Amended by Ord. 1853, 12/20/88)

**Suggested Modification No. 32**

Revise Section 313-7.1, AE: Agriculture Exclusive as follows:

**313-7 RESOURCE USE REGULATIONS**

313-7.1	AE: Agriculture Exclusive
<b>Use Type</b>	<b>Principal Permitted Use</b>
<del>Residential Use Types</del>	<del>Single Family Residential. On lots sixty acres (60a) or larger in size,</del>
<del>Civic Use Types</del>	<del>two single detached dwellings are permitted.</del>
<del>Agricultural Use Types</del>	<del>Minor Utilities</del>
<del>Commercial Timber Use Type</del>	<del>General Agriculture <b>Exclusive</b></del>
<b>Use Type</b>	<b>Conditionally Permitted Use</b>
Residential Use Types	Guest House
	Farm Employee Housing
	Labor Camp
	Second Agriculture or Commercial Timber Production Residence (on a
	lot less than sixty acres (60a) in size)
	<del>Single Family Residential (a Use Permit is required on a lot less than</del>
	<del>sixty acres (60a) in size for a second single detached dwelling)</del>
Civic Use Types	Essential Services
	Solid Waste Disposal; subject to the Solid Waste Disposal Regulations
	Oil and Gas Pipelines; subject to the Oil and Gas Pipelines
	Regulations
	Major Electrical Distribution Lines; subject to the Electrical Distribution
	Lines Regulations
Industrial Use Types*	Minor Generation and Distribution Facilities
	Aquaculture, allowed within non-prime agricultural lands only
Agricultural Use Types	<del>Cottage Industry; subject to the Cottage Industry Regulations</del>
	Hog Farming
	Feed Lots/Slaughter House
	Kennels
	Agriculture-Related Recreation
	Intensive Agriculture
Extractive Use Types	Oil and Gas Drilling and Processing; subject to the Oil and Gas Drilling
	and Processing Regulations
	Surface Mining - 2; subject to the Surface Mining Regulations
	Surface Mining - 3; subject to the Surface Mining Regulations
	Metallic Mineral Extraction; subject to the Surface Mining Regulations
Natural Resource Use Types	Fish and Wildlife Management
	Watershed Management
	Wetland Restoration
	Resource-Related Recreation
	Coastal Access Facilities
Use Types Not Listed in This	Any use not specifically enumerated in this Division, if it is similar to
Table**	and compatible with the uses permitted in the AE zone.

\*See, Industrial Performance Standards, Section 313-103.1.

\*\*See, "Classifying Uses Not Specifically Mentioned in Use Type Descriptions," Section 313-165.

(Former Section CZ#A313-29(A-C); Amended by Ag Zone ordinance amendments approved by the Humboldt County Board of Supervisors 2/9/99)



313-7.1 AE: AGRICULTURE EXCLUSIVE		
Development Standards		
Minimum Lot Size and Minimum Lot Width		
Zone Designation	Minimum Lot Size	Minimum Lot Width
AE-20	20 acres	(As determined during subdivision review and approval.)
AE-40	40 acres	
AE-60	60 acres	
AE-160	160 acres	
AE-600	600 acres	
Maximum Lot Depth	(None specified.)	
Maximum Density	(None specified.)	
Minimum Yard Setbacks***		
Front	Twenty feet (20'); Thirty feet (30') for flag lots.	
Rear	Thirty feet (30').	
Interior Side	Thirty feet (30').	
Exterior Side	Twenty feet (20').	
Flag Lots	For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.	
Double Frontage Lots	Front and rear yards shall be twenty feet (20'), except that the rear yard setback may be reduced to ten feet (10') where such yard abuts an alley.	
Maximum Ground Coverage	(None specified.)	
Maximum Structure Height	(None specified.)	
Permitted Main Building Types	Residential Single Detached; Ancillary Residential, Manufactured Home; Unlimited Mixed Residential - Nonresidential Detached Nonresidential	

\*\*\*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 313-30: "Alquist-Priolo Fault Hazard" and the "Fire Safe Regulations" at Title III, Division 11.

(Former Section CZ#A313-29(A-C); Amended by Ag Zone ordinance amendments approved by the Humboldt County Board of Supervisors 2/9/99)

**Suggested Modification No. 33**

Revise Section 313-7.2, TC: Commercial Timber as follows:

<b>313-7.2</b>	<b>TC: Commercial Timber</b>
<b>Use Type</b>	<b>Principal Permitted Use</b>
<del>Residential Use Types</del> <del>Civic Use Types</del> <del>Agricultural Use Types</del> <del>Commercial Timber Use Type</del>	<del>Single Family Residential</del> <del>Minor Utilities</del> <del>General Agriculture</del> <del><u>Commercial</u> Timber Production</del>
<b>Use Type</b>	<b>Conditionally Permitted Use</b>
Residential Use Types	Single Family Residential. A Use Permit is required for a second single family residence.
Civic Use Types	Essential Services Solid Waste Disposal; subject to the Solid Waste Disposal Regulations Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations
Industrial Use Types*	Minor Generation and Distribution Facilities Timber Products Processing Aquaculture
Agricultural Use Types	Cottage Industry; subject to the Cottage Industry Regulations
Extractive Use Type	Agricultural Related Recreation Surface Mining - 2; subject to the Surface Mining Regulations Oil and Gas Drilling and Processing; subject to the Oil and Gas Drilling and Processing Regulations Metallic Mineral Extraction; subject to the Surface Mining Regulations Coastal Access Facilities Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the TC zone.
Natural Resource Use Type	
Use Types Not Listed in This Table**	
<b>Use Type</b>	<b>Compatible Uses Permitted with a Special Permit</b>
Residential Use Types	Labor Camp
Commercial Timber Use Type	Timber Related Recreation
Natural Resource Use Types	Fish and Wildlife Management
	Watershed Management
	Wetland Restoration

\*See, Industrial Performance Standards, Section 313-103.1.

\*\*See, "Classifying Uses Not Specifically Mentioned in Use Type Descriptions," Section 313-165.

(From Section CZ#A314-11(B); CZ#A313-30(A-C); Amended by Ord. 1853, 12/20/88)

<b>313-7.2 TC: COMMERCIAL TIMBER</b>	
<b>Development Standards</b>	
<b>Minimum Lot Size</b>	Forty acres (40a).
<b>Minimum Lot Width</b>	(As determined during subdivision review and approval).
<b>Maximum Lot Depth</b>	(None specified.)
<b>Maximum Density</b>	(None specified.)
<b>Maximum Total Conversion of Timberland for Non-Timber Production Uses</b>	Two acres (2a) of contiguous or non-contiguous land.
<b>Minimum Yard Setbacks***</b>	
Front	Twenty feet (20'); Thirty feet (30') for flag lot.
Rear	Thirty feet (30').
Interior Side	Thirty feet (30').
Exterior Side	Twenty feet (20').
Flag Lots	For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.
Double Frontage Lots	Front and rear yards shall be twenty feet (20'), except that the rear yard setback may be reduced to ten feet (10') where such yard abuts an alley.
<b>Maximum Ground Coverage</b>	(None specified.)
<b>Maximum Structure Height</b>	Thirty-five feet (35').
<b>Permitted Main Building Types</b>	Residential Single Detached; Ancillary Residential; Manufactured Home. Detached Nonresidential

**Suggested Modification No. 34**

Revise Section 313-7.3, TPZ: Timberland Production Zone as follows:

313-7.3	TPZ: Timberland Production Zone
<p><b>Use Type</b></p> <p><del>Residential Use Types</del></p> <p><del>Civic Use Types</del></p> <p><del>Commercial Timber Use Types</del></p>	<p><b>Principal Permitted Use</b></p> <p><del>Single Family Residential</del></p> <p><del>Minor Utilities</del></p> <p>Timber Production</p>
<p><b>Use Type</b></p> <p>Residential Use Types</p> <p>Civic Use Types</p> <p>Industrial Use Types*</p> <p>Agricultural Use Types</p> <p>Extractive Use Type</p> <p>Natural Resource Use Type</p> <p>Use Types Not Listed in This Table**</p>	<p><b>Conditionally Permitted Use</b></p> <p>Single Family Residential. A Use Permit is required for a second single family residence.</p> <p>Essential Services</p> <p>Solid Waste Disposal; subject to the Solid Waste Disposal Regulations</p> <p>Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations</p> <p>Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations</p> <p>Minor Generation and Distribution Facilities</p> <p>Timber Products Processing</p> <p>Aquaculture</p> <p>Cottage Industry; subject to the Cottage Industry Regulations</p> <p>Agriculture-Related Recreation</p> <p>Surface Mining - 2; subject to the Surface Mining Regulations</p> <p>Oil and Gas Drilling and Processing; subject to the Oil and Gas Drilling and Processing Regulations</p> <p>Coastal Access Facilities</p> <p>Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the TPZ zone.</p>
<p><b>Use Type</b></p> <p>Residential Use Types</p> <p>Commercial Timber Use Type</p> <p>Natural Resource Use Types</p>	<p><b>Compatible Uses Permitted with a Special Permit</b></p> <p>Labor Camp</p> <p>Timber Related Recreation</p> <p>Fish and Wildlife Management</p> <p>Watershed Management</p> <p>Wetland Restoration</p>

\*See, Industrial Performance Standards, Section 313-103.1.

\*\*See, "Classifying Uses Not Specifically Mentioned in Use Type Descriptions," Section 313-165. (Former Section CZ#A313-31(A-C); Section CZ#A314-11(B); Amended by Ord. 1853, 12/20/88)

<b>313-7.3 TPZ: TIMBERLAND PRODUCTION ZONE</b>	
<b>Development Standards</b>	
<b>Minimum Lot Size</b>	Forty acres (40a).
<b>Minimum Lot Width</b>	(As determined during subdivision review and approval).
<b>Maximum Lot Depth</b>	(None specified.)
<b>Maximum Density</b>	(None specified.)
<b>Maximum Total Conversion of Timberland for Non-Timber Production Uses</b>	Two acres (2a) of contiguous or non-contiguous land.
<b>Minimum Yard Setbacks***</b>	
Front	Twenty feet (20'); Thirty feet (30') for flag lots.
Rear	Thirty feet (30').
Interior Side	Thirty feet (30')
Exterior Side	Twenty feet (20')
Flag Lots	For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.
Double Frontage Lots	Front and rear yards shall be twenty feet (20'), except that the rear yard setback may be reduced to ten feet (10') where such yard abuts an alley.
<b>Maximum Ground Coverage</b>	(None specified.)
<b>Maximum Structure Height</b>	Thirty-five feet (35').
<b>Permitted Main Building Types</b>	Residential Single Detached; Ancillary Residential; Manufactured Home. Detached Nonresidential.

\*\*\*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 313-30: "Alquist-Priolo Fault Hazard" and the "Fire Safe Regulations" at Title III, Division 11.

(Former Section CZ#A313-31(A-C); Section CZ#A314-11(B); Amended by Ord. 1853, 12/20/88)

(313-8 through 313-14: Sections Reserved for Future Use)

### **Suggested Modification No. 35**

Add new Section 313-163.1.9 regarding principal permitted uses and modify Section 313-164 as follows:

## **SECTION D: USE TYPES**

### **PART 1: CLASSIFICATION OF USE TYPES**

**313-162      PURPOSE OF USE TYPE AND PRINCIPAL PERMITTED USE**  
**CLASSIFICATIONS**

The purpose of these provisions is to classify uses of property into a limited number of use types and principal permitted uses on the basis of common functional, product, or compatibility characteristics. The desired result is to provide a basis for regulation of uses in accordance with criteria which are directly relevant to the public interest. These provisions apply throughout the County. (Former Section CZ#A313-1)

**313-163      LISTING OF USE TYPE AND PRINCIPAL PERMITTED USE**  
**CLASSIFICATIONS**

163.1      All uses are classified into the following use types. Use types are described and defined in Section D, Part 2: Glossary of Use Types. (Former Section CZ#A313-2)

163.1.1      **Agricultural Use Types.**

Agriculture-Related Recreational  
Feed Lot/Slaughter House  
General Agriculture  
Hog Farming  
Intensive Agriculture  
Stables and Kennels  
(Former Section CZ#A313-2(E))

163.1.2      **Civic Use Types.**

Administrative  
Community Assembly  
Cultural Non-Assembly  
Electrical Distribution Lines, Major  
Essential Services  
Extensive Impact Civic Uses  
Generation and Distribution Facilities, Minor  
Health Care Services  
Oil and Gas Pipelines  
Public Recreation and Open Spaces  
Solid Waste Disposal  
Utilities, Minor  
(Former Section CZ#A313-2(B))

163.1.3      **Commercial Use Types.**

Automotive Sales, Service and Repair  
Bed and Breakfast Establishment  
Coastal-Dependent Commercial Recreation  
Commercial Recreation  
Heavy Commercial  
Neighborhood Commercial

Office and Professional Service  
Private Institution  
Private Recreation  
Recreational Vehicle Park  
Retail Sales  
Retail Service  
Transient Habitation  
Visitor Serving Facilities  
Warehousing, Storage and Distribution  
(Former Section CZ#A313-2(C))

163.1.4 **Commercial Timber Use Types.**

Timber Production  
Timber Related Recreation  
(Former Section CZ#A313-2(F))

163.1.5 **Extractive Use Types.**

Metallic Mineral Extraction  
Oil and Gas Drilling and Processing  
Surface Mining - 1  
Surface Mining - 2  
Surface Mining - 3  
(Former Section CZ#A313-2(G))

163.1.6 **Industrial Use Types.**

Aquaculture  
Coastal-Dependent  
Coastal-Related  
Cottage Industry  
Hazardous Industrial  
Heavy Industrial  
Research/Light Manufacturing  
Timber Products Processing  
(Former Section CZ#A313-2(D))

163.1.7 **Natural Resource Use Types.**

Boating Facilities  
Fish and Wildlife Habitat Management  
Coastal Public Access Facilities  
Resource-Related Recreational  
Watershed Management  
Wetland Restoration  
(Former Section CZ#A313-2(H))

163.1.8 **Residential Use Types.**

Caretaker's Residence  
Community Care Facility  
Family Day Care Center

Family Day Care Home  
Farm Employee Housing  
Group Residential  
Guest House  
Labor Camp  
Manufactured Home Park Development  
Multi Family Residential  
Residence Incidental to Agriculture or Commercial  
Timber Production (See, Agriculture or Commercial Zoning  
Designations, Principal Permitted Uses.)  
Second Agriculture or Commercial Timber Production Residence  
(See, Agriculture or Commercial Zoning Designations,  
Principal Permitted Uses.)  
Second Residential Unit (See also, Second Dwelling Unit,  
Secondary Dwelling Unit)  
Single Family Residential  
(Former Section CZ#A313-2(A))

**163.1.9 Principal Permitted Uses. These are uses that are allowed without a conditional use permit and that are considered the “principal permitted use” for purposes of appeal to the Coastal Commission (with the exception of Single Family Residential, Second Agriculture or Commercial Timber Production Residence (on a lot sixty (60) acres or larger in size), or Cottage Industry uses in the Agriculture Exclusive zoning district as enumerated in Section 163.1.9.9 below). Subdivisions, including lot line adjustments, are not considered a principal permitted use in any zoning district in the coastal zone.**

**163.1.9.1 Neighborhood Commercial**

**The Neighborhood Commercial Principal Permitted Use includes the following uses: Neighborhood Commercial; Cottage Industry (subject to the Cottage Industry Regulations); Caretakers’ Residence which is incidental to and under the same ownership as an existing commercial use; and Minor Utilities to serve these uses.**

**163.1.9.2 Public Recreation**

**The Public Recreation Principally Permitted Use includes the following uses Public Recreation and Open Space, Coastal Access Facilities; and Minor Utilities to serve such uses.**

**163.1.9.3 Commercial Recreation**

**The Commercial Recreation Principally Permitted Use includes the following uses: Visitor Serving Facilities; Transient Habitation; Commercial Recreation; Coastal Dependent Recreation; Resource**



Related Recreation; Coastal Access Facilities; and Minor Utilities to serve such uses.

163.1.9.4 Coastal Dependent Commercial Recreation

The Coastal Dependent Commercial Recreation Principally Permitted Use includes the following uses: Coastal Dependent Recreation; Resource Related Recreation; Coastal Access Facilities; and Minor Utilities to serve such uses.

163.1.9.5 Residential Single Family

The Residential Single Family Principally Permitted Use includes the following uses: Single Family Residential; Second Residential Unit; Cottage Industry (subject to the Cottage Industry Regulations); and Minor Utilities to serve such uses.

163.1.9.6 Residential Multi Family

The Residential Multi Family Principally Permitted Use includes the following uses: Multi Family Residential; Group Residential; and Minor Utilities to serve such uses.

163.1.9.7 Mixed Residential

The Mixed Residential Principally Permitted Use includes the following uses: Single Family Residential; Multi Family Residential (Duplex only); Cottage Industry (subject to the Cottage Industry Regulations); and Minor Utilities to serve such uses.

163.1.9.8 Rural Residential Agricultural

The Rural Residential Agricultural Principally Permitted Use includes the following uses: Single Family Residential; Second Residential Unit; General Agriculture; Cottage Industry (subject to the Cottage Industry Regulations); and Minor Utilities to serve such uses.

163.1.9.9 Agricultural Exclusive

The Agricultural Exclusive Principally Permitted Use includes the following uses: Single Family Residential; Second Agriculture or Commercial Timber Production Residence (on a lot sixty (60) acres or larger in size); General Agriculture; Timber Production; Cottage Industry; and Minor Utilities to serve such uses. Single Family Residential, Second Agriculture or Commercial Timber Production

Residence (on a lot sixty (60) acres or larger in size), and Cottage Industry use types do not require a conditional use permit, but are not considered the principal permitted use for purposes of appeal to the Coastal Commission pursuant to Section 312-13.12.3 of the Coastal Zoning Ordinance and Section 30603(a)(4) of the Coastal Act.

**163.1.9.10 Commercial Timber**

The Commercial Timber Principally Permitted Use includes the following uses: Timber Production; General Agriculture; Single Family Residential; Cottage Industry (subject to the Cottage Industry Regulations); and Minor Utilities to serve such uses.

**163.1.9.11 Timber Production**

The Timber Production Principally Permitted Use includes the following uses: Timber Production; Single Family Residential; Cottage Industry (subject to the Cottage Industry Regulations); and Minor Utilities to serve such uses.

**313-164 HOW TO DETERMINE AND CLASSIFY ALLOWED USES WHEN MORE THAN ONE USE TYPE MIGHT APPLY**

The following rules shall apply when a lot or building site contains multiple uses which constitute or resemble two or more different use types, and which are not classified as accessory uses pursuant to the Accessory Use Regulations. (Former Section CZ#A313-3)

164.1 **Separate Classifications of Several Establishments.** The ~~principal~~ uses conducted on a lot by two or more individual establishments, managements, or institutions shall be classified separately into use types. (Former Section CZ#A313-3(A))

164.2 **Classification and Limitation of Different Uses Within Same Category of Use Types Conducted by Individual Establishment.** If ~~principal~~ uses conducted on a lot by an individual establishment, management, or institution resemble two or more different use types within the same category of use types, all such ~~principal~~ uses shall be classified in the use type whose description most closely portrays the overall nature of such uses. However, when the ~~principal~~ uses have any of the characteristics of the following listed use types, all such ~~principal~~ uses shall be classified in one of the use types on the following list.

Extensive Impact Civic Uses  
General/Heavy Manufacturing  
Hazardous Industrial  
Oil and Gas Drilling and Processing

Surface Mining - 1  
Surface Mining - 2  
Surface Mining - 3

If multiple ~~principal~~ uses on a lot resemble more than one of the use types on the above list, the uses shall be classified as the use type which is most similar to the predominant or most significant use on the lot, except that any commercial uses shall be classified within the Heavy Commercial Use Type if they have any heavy commercial characteristics. (Former Section CZ#A313-3(B))

### **313-165 CLASSIFYING USES NOT SPECIFICALLY MENTIONED IN USE TYPE DESCRIPTIONS**

Whenever a development is proposed that contains a use not specifically mentioned under use types described in these regulations, the Hearing Officer shall make a determination as to whether the proposed use is encompassed by any use types permitted or conditionally permitted under the use designator applicable to the subject property. (See designated Hearing Officer in Chapter 2, Section 312-9; usually it is initially the Director or designee.) The classification of a use is subject to the right of appeal pursuant to the Appeals Procedures in Chapter 2, Section 312-13. The Director shall maintain a written record of all such determinations, which determinations are maintained and available for review at the Planning Division. (Former Section CZ#A313-4)

#### **Suggested Modification No. 36**

Add the following language to existing Table 9.2.4 and new Sections 9.2.5 and 9.2.6 as follows:

#### **9.2 PUBLIC HEARING MAY BE WAIVED.**

A public hearing may be waived, as indicated in the table, "Public Hearing Requirements and Authorized Hearing Officer," upon making all of the following findings: (Former Section INL#317-40.3; CZ#A315-5; Ord. 1726, Sec. 4, 3/4/86; Amended by Ord. 2214, 6/6/00)

- 9.2.1 The permit application, in the Hearing Officer's opinion, qualifies for approval; and (Former Section INL#317-40.3(1); CZ#A315-5(A); Ord. 1726, Sec. 4, 3/4/86; Amended by Ord. 2214, 6/6/00)
- 9.2.2 The permit application is not being processed in conjunction with an application that requires a public hearing; and (Former Section INL#317-40.3(2); CZ#A315-5(B); Ord. 1726, Sec. 4, 3/4/86; Amended by Ord. 2214, 6/6/00)
- 9.2.3 A written request for a public hearing has not been received by the Department prior to the Hearing Officer's administrative action.

9.2.4 TABLE: PUBLIC HEARING REQUIREMENTS AND AUTHORIZED HEARING OFFICER				
Application Type	May Be Waived <sup>1</sup>	Director <sup>2</sup>	Zoning Administrator <sup>2</sup>	Planning Commission
Special Permit (SP)	W	O		O
Use Permits (UP) that are categorically exempt from environmental review under CEQA			O	O
Use Permits (UP) that require environmental review under CEQA			O	O
Coastal Development Permits that are appealable to the California Coastal Commission.			O	O
<u>Coastal Development Permits that are appealable to the California Coastal Commission and qualify as minor development consistent with Section 312-9.2.5.</u>	W			
Coastal Development Permits that are <b>not</b> appealable to the California Coastal Commission	W	O		
Planned Unit Development Permits			O	O

"W" indicates that the Public Hearing may be waived.

"O" identifies the Authorized Hearing Officer.

1. Subject to making all required findings of Section 312-9.2 of this Chapter.
2. The Zoning Administrator or Director may refer any application for a permit or variance to the Planning Commission for a decision, as permitted by Section 312-1.2.5.

**9.2.5 The Hearing Officer may waive the requirement for a public hearing on a Coastal Development Permit application for a minor development that is appealable to the Coastal Commission only if both of the following occur:**

- (1) **Notice is provided to all persons who would otherwise be required to be notified of a public hearing as well as any other persons known to be interested in receiving notice that a public hearing will not be held unless requested by any interested person within 15 days.**

(2) No request for a public hearing is received by the local government within 15 working days from the date of sending the notice pursuant to paragraph (1).

“Minor Development” means a development which the County determines satisfies all of the following requirements:

(1) Is consistent with the certified local coastal program, as defined in Coastal Act Section 30108.6;

(2) Requires no discretionary approvals other than a coastal development permit; and

(3) The project as proposed has no adverse effect either individually or cumulatively on coastal resources or public access to the shoreline or along the coast.

9.2.6 Second residential units do not require a public hearing consistent with the applicable provisions of Government Code Section 65852.2

#### **PART FIVE: CALIFORNIA ENVIRONMENTAL QUALITY ACT**

In addition to making a finding that the amendment is in full compliance with the Coastal Act, the Commission must make a finding consistent with Section 21080.5 of the Public Resources Code. Section 21080.5(d)(2)(A) of the Public Resources Code requires that the Commission not approve or adopt an LCP:

*... if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effects which the activity may have on the environment.*

As discussed in the findings above, the amendment request, as modified, is consistent with the California Coastal Act and will not result in significant environmental effects within the meaning of the California Environmental Quality Act.

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#### **ATTACHMENTS:**

Attachment A – Proposed County LCP Amendment

Attachment B – County Adopted Resolutions

**ADOPTED COASTAL PLAN CHANGES  
IMPLEMENTING THE 1998 UPDATE OF THE  
HUMBOLDT COUNTY HOUSING ELEMENT**

ATTACHMENT A  
LCP AMENDMENT NO.  
HUM-MAJ-1-99-B (Housing)  
PROPOSED COUNTY  
LCP AMENDMENT  
(Page 1-a of 80)

**ADOPTED COASTAL ZONING ORDINANCE CHANGES  
IMPLEMENTING THE 1998 UPDATE OF THE  
HUMBOLDT COUNTY HOUSING ELEMENT**

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## COASTAL DEVELOPMENT PERMIT WAIVERS

### 1) *Definition of DeMinimus Waiver to be added to §A312-6 - Definitions (D)*

De Minimus Waiver. The waiver of some coastal development permit requirements for development that 1) is consistent with the zoning ordinance, and 2) involves no potential for any adverse effect; either individually or cumulatively on coastal resources or public access to coastal resources where acquired through use or legislative authorization.

### 2) *Cross Reference to definition of DeMinimus Waiver to be added to §A312-25. Definitions (W)*

Waiver, De Minimus: (See "De Minimus Waiver")

### 3) *Add a section to Chapter 5 (Procedures) directly after §A315-27 (Waiver of Procedures For Emergencies).*

#### Section A315-28 DE MINIMUS WAIVERS FROM PERMIT REQUIREMENTS.

A. Applicability. The procedural requirements of this chapter may be waived by the Planning Director to simplify the review of small projects that will have no adverse impacts on coastal resources.

B. Criteria for Waiver of Procedures.  
The procedural requirements of this Chapter may be waived by the Planning Director to allow the following development:

Construction of retaining walls less than 4 feet in height with a maximum surface area of 100 square feet,

Demolition of non-historic structures,

Placement of private test water supply wells,

"One for one" replacement or abandonment of minor utilities,

Repair and replacement work associated with underground and above ground storage tanks,

Wetland restoration,

Removal of contaminated backfill and contaminated soil,

Installation of monitoring wells, vadose wells, temporary well points, and vapor points, and

Merger of property.

C. Application for Waiver of Procedures

An application for DeMinimus Waiver of permit requirements shall be made on forms as required by section A315-6(b).

D. Proceedings for Waiver of Procedures.

(1) The Planning Department shall review all applications for de Minimus Waivers for completeness and accuracy before the applications are accepted and officially filed as complete.

(2) Within seven (7) days of the date the application was submitted, the applicant must post public notice at a conspicuous place, easily read by the public and as close as possible to the site of the proposed development. The public notice must state that an application for waiver of permit requirement for the proposed development has been submitted to the County using standardized forms provided by the Planning Department.

The notice shall contain a general description of the nature of the proposed development. If the applicant fails to post and maintain the completed notice form throughout the waiver process, the Planning Director shall refuse to file the application, or shall withdraw the application from filing if it has already been filed when he or she learns of such failure. The County shall revoke the waiver authorization if it determines that the waiver was granted without proper notice having been given and that the waiver would not have been issued and/or become effective if the views of the person(s) not notified had been made known to the Planning Director or the Board of Supervisors.

(3) A Notice Of Intent To Issue A de Minimus Waiver shall be provided to the Coastal Commission and to persons known to be interested in the proposed development in the following manner:

After an application is accepted as complete and at least ten (10) calendar days prior to the decision on the application, the Planning Director shall provide notice, by first class mail, of pending waiver of permit requirements. This notice shall be provided to all persons who have requested to be on the mailing list for that development project or site, to all property owners and residents within 300 feet of the perimeters of the parcel on which the development is proposed, to all Planning Commission members, referral agencies, and to the Coastal Commission. The Notice shall also be posted for public inspection at the Planning Department.

(4) The Notice Of Intent To Issue A de Minimus Waiver shall contain the following information:

(a) A description of the proposed project and location

(b) a statement that the development is within the coastal zone;

- (c) the date of filing of the application and the name of the applicant;
  - (d) the case number assigned to the application;
  - (e) the date of the hearing at which the waiver may become be effective;
  - (f) the general procedure concerning submission of requests for a coastal development permit or other public comments either in writing or orally prior to the decision,
  - (g) a statement that a public comment period of ten (10) calendar days to allow for the submission of requests for a coastal development permit or other public comments by mail will be held prior to the decision.
- (5) At the time a Notice of Intent To Issue A de Minimus Waiver is provided to the public, the Planning Director shall also report to the referral agencies and each Planning Commission member the project description, recommended action, conditions of approval, and findings for each project under review pursuant to this section. A copy of the report shall also be available for public inspection at the Planning Department ten (10) calendar days prior to issuing the waiver.
- (6) Notice of final action on an application for a de Minimus waiver shall be given as follows:
  - (a) Notice shall be provided within seven (7) calendar days of the Planning Director's action.
  - (b) Notice shall be provided by first class mail to:
    - (i) The applicant;
    - (ii) Any person who specifically requested, in writing, notice of such final action, and
    - (iii) The Coastal Commission
  - (c) The notice shall include the following information:
    - (i) The action taken,
    - (ii) The effective date and expiration date,
    - (ii) Written findings;
    - (iii) Conditions of approval;
    - (iii) Procedures for appeal if applicable.

- (7) For a proposed development that is de Minimus as defined in Section A312-6 of this ordinance and section 30624.7 of the Coastal Act, the Planning Director may issue a waiver from coastal development permit requirements of this ordinance subject to all of the provisions of this section.

The Planning Director shall not issue a waiver unless the site has been posted, and until the public comment period for the waiver has expired and no written requests for a coastal development permit have been submitted to the Planning Department. If any referral agency, member of the Planning Commission or California Coastal Commission, or any member of the public requests that the waiver not be issued, the applicant shall be advised that a coastal development permit is required if the applicant wishes to proceed with the development.

A decision on de Minimus Waivers shall not be deemed final and effective until all required findings have been made by the Planning Director.

E. Findings. De Minimus Waivers may only be issued for development that meets all of the following criteria:

- (a) The proposed development is in conformance with the County General Plan;
- (b) The proposed development is consistent with the purposes of the existing zone in which the site is located;
- (c) The proposed development conforms with all applicable standards and requirements of these regulations;
- (d) The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare;
- (e) The proposed development involves no potential for any adverse effects, either individually or cumulatively, on coastal resources because:
  - The project does not involve the presence of mechanized equipment or construction materials within 50 feet of an environmentally sensitive habitat area, or any sand area; or within 50 feet of coastal waters or streams,
  - Within designated coastal view and coastal scenic areas, the project has no potential to impair visual resources,
  - There is no potential for the project to block or otherwise impede the public right of access to the coast where acquired through use or by legislative authorization, and,
  - The project does not require any discretionary permits;

(f) None of the proposed work falls within an area in which the Coastal Commission retains direct permit review under Coastal Act Section 30519 or for any work that is appealable to the Coastal Commission under Coastal Act Section 30603. Any development involving a structure or similar integrated physical construction that lies partly in and partly outside the appeal area may not be processed as a de Minimus waiver.

F. Decision on de Minimus Waivers is Final. The Planning Director's decision on de Minimus Waivers shall be final; provided, however, that the denial by the Planning Director of a request for a de Minimus waiver shall not prevent the applicant from applying for a development permit or variance.

G. Expiration of de Minimus Waivers. De Minimus Waivers shall expire and be of no further force and effect if the authorized development has not commenced within two years of the effective date of the waiver.

## COTTAGE INDUSTRY

### 1) *Changes to the Cottage Industry Section of the Coastal Zoning Ordinance.*

#### Section A314-12. COTTAGE INDUSTRY

- A. **Purpose.** The purpose of these regulations is to establish development standards and limitations for the operation and maintenance of cottage industries in Humboldt County.
- B. **Applicability.** The provisions of these regulations shall apply where the cottage industry use type is permitted.
- C. **Performance Standards For Cottage Industries Allowed As Appurtenant And Accessory Use.**

(1) Cottage Industries allowed as a principally permitted appurtenant and accessory use to the residential use shall comply with all the following performance standards in addition to the applicable Industrial Performance Standards of SA314-18:

(a) The cottage industry shall conform with the development standards in the applicable zoning district; and

(b) The dwelling on the site shall be occupied by the owner of the cottage industry. and.

(c) The Cottage Industry shall occupy no more than twenty five percent (25%) or 1,000 square feet (whichever is less) of the floor area of the dwelling or accessory structure; and

(d) The cottage industry shall not produce evidence of its existence in the external appearance of the dwelling or premises, or in the creation of noise, odors, smoke or other nuisances to a degree greater than that normal for the neighborhood; and

(e) There shall be no structural, electrical or plumbing alterations necessary for the Cottage Industry which are not customarily found in dwellings or residential accessory structures; and

(f) No persons other than residents of the dwelling shall be employed to conduct the Cottage Industry; and

(g) There shall be no articles sold on the premises; and

(h) All noise generating operations shall be buffered so that they do not exceed the exterior ambient noise level anywhere on the site by more than 5 dB(a), or an equivalent standard which achieves comparable results; and

(i) All lights shall be directed on site and shielded to reduce glare to adjacent areas; and

(j) The use shall not generate pedestrian or vehicular traffic beyond that normal in the neighborhood in which it is located; and

(k) No perceptible vibrations shall be permitted off the building site; and

(l) No visual or audible interference of radio or television reception by operations shall be permitted.

(m) A business license shall be approved for the Cottage Industry.

D. Performance Standards For Cottage Industries Allowed As Accessory Uses With a Coastal Development Permit.

Cottage Industries that meet all the following performance standards in addition to the applicable Industrial Performance Standards of §A314-18, may be permitted as accessory uses to any residential use with a coastal development permit

~~(1)~~ (a) The cottage industry shall conform with the development standards in the applicable zoning district; and

~~(2)~~ (b) ~~The sale of merchandise on the subject lot shall be directly related to and incidental to the cottage industry, There shall be no articles sold on the premises.~~

~~(3)~~ (c) One sign, attached to the structure, is permitted advertising the cottage industry, not exceeding two (2) square feet, that is non moving, and which has illumination, if any, which is indirect and non-flashing.

~~(4)~~ (d) The total land area occupied by the cottage industry shall not exceed: two (2) acres, including portions of the lot occupied by buildings, storage areas, and work places devoted to the cottage industry.

(e) A business license shall be approved for the Cottage Industry.

D-E. Operational Standards. At a minimum, the Hearing Officer shall set the following operational standards as conditions of the ~~use permit~~ coastal development permit for a cottage industry. The Hearing Officer may also condition the ~~use permit~~ coastal development permit as permitted by Chapter 5 of these regulations.

(1) number of employees; and

(2) hours of operation.

2) *Changes to allow cottage industry as principally permitted or specially permitted use in the R2 zone district.*

Section A313-15. R2 MIXED RESIDENTIAL USE ZONE

A. Principal Permitted Uses.

- (1) Residential Use Types
  - Single Family Residential
  - Multi Family Residential (Duplex only)
- (2) Civic Use Type
  - Minor Utilities
- (3) Industrial Use Types
  - Cottage Industry; subject to the Cottage Industry Regulations

B. Conditionally Permitted Uses. The following use types are permitted pursuant to the Development Permit Procedures in Chapter 5 of this Division.

- (1) Residential Use Types
  - Mobilehome Park; subject to the Mobilehome Park Regulations.
  - Guest House
- (2) Civic Use Types
  - Essential Services
  - Community Assembly
  - Public Recreation and Open Space
  - Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations.
  - Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations.
  - Minor Generation and Distribution Facilities
- (3) Commercial Use Types
  - Bed and Breakfast; subject to the Bed and Breakfast Establishment Regulations.
  - Neighborhood Commercial (Permitted with a use permit only in the Coastal Zone.)
  - Private Institution
  - Private Recreation
- ~~(4) Industrial Use Types~~
  - ~~Cottage Industry; subject to the Cottage Industry Regulations~~
- ~~(5)~~ (4) Commercial Use Type
  - Timber Production



~~(6)~~ (5) Extractive Use Type  
Surface Mining-2; subject to the Surface Mining  
Regulations.

~~(7)~~ (6) Natural Resources Use Types  
Fish and Wildlife Management  
Watershed Management  
Wetland Restoration  
Coastal Access Facilities

C. Development Standards

- (1) Minimum Lot Size: 5,000 square feet.
- (2) Minimum Lot Width: 50 feet.
- (3) Maximum Lot Depth: Three (3) times the lot width.
- (4) Minimum Yard Setback:
  - (a) Front: Twenty (20) feet;
  - (b) Rear: Ten (10) feet;
  - (c) Interior Side: Five (5) feet;
  - (d) Exterior Side: Same as front or one-half (1/2) the front if all parts of the main building are more than twenty-five (25) feet from the rear lot line, and the exterior side yard does not abut a collector or higher order street. (In questionable cases, the Public Works Director shall classify the subject street).
  - (e) Double Frontage Lots: Front and rear--twenty (20) feet; except that the rear yard setback may be reduced to ten (10) feet where such yard abuts an alley.
  - (f) For Flag Lots: The Planning Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicle turn around on the lot.
- (5) Maximum Ground Coverage: Thirty-five percent (35%).
- (6) Maximum Structure Height: Thirty-five feet (35) feet.
- (7) Permitted Main Building Types:
  - (a) Residential Single Detached, manufactured homes in mobilehome parks (only one dwelling per lot or mobilehome lot except where a use permit is approved to allow for a second residential unit);
  - (b) Duplex;

- (c) Limited Mixed Residential-Nonresidential;
- (d) Nonresidential detached or Multiple/Group.

3) *Changes to allow cottage industry as principally permitted or specially permitted use in the RS zone district.*

Section A313-16. RS RESIDENTIAL SINGLE FAMILY USE ZONE

A. Principal Permitted Uses.

- (1) Residential Use Types  
Single Family Residential
- (2) Civic Use Types  
Minor Utilities
- (3) Industrial Use Types  
Cottage Industry; subject to the Cottage Industry Regulations

B. Conditionally Permitted Uses. The following use types are permitted pursuant to the Development Permit Procedures in Chapter 5 of this Division.

- (1) Residential Use Types  
Mobile Home Park; subject to the Mobilehome Park Regulations.  
Guest House
- (2) Civic Use Types  
Essential Services  
Community Assembly  
Public Recreation and Open Space  
Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations.  
Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations.  
Minor Generation and Distribution Facilities
- (3) Commercial Use Types  
Bed and Breakfast Establishments; subject to the Bed and Breakfast Establishment Regulations.  
Neighborhood Commercial (Permitted with a use permit only in the Coastal Zone.)  
Private Institution  
Private Recreation
- ~~(4) Industrial Use Types~~  
~~Cottage Industry; subject to the Cottage Industry Regulations.~~

- (5 4) Commercial Timber Use Types  
Timber Production

- (6 5) Extractive Use Types  
Surface Mining - 2; subject to the Surface Mining Regulations.

- (7 6) Natural Resources Use Types  
Fish and Wildlife Management  
Watershed Management  
Wetland Restoration  
Coastal Access Facilities

C. Development Standards

- (1) Minimum Lot Size and Lot Width. In adopting the RS Residential Single Family Zoning District, the Board of Supervisors shall establish minimum size and lot width requirements as set forth in the following table:

Zoning District Designator	Minimum Lot Size	Minimum Width
RS - 5	5,000 sq. ft.	50 feet
RS - 7.5	7,500 sq. ft.	60 feet
RS - 10	10,000 sq. ft.	60 feet
RS - 20	20,000 sq. ft.	75 feet
RS - 40	40,000 sq. ft.	150 feet

- (2) **Maximum Density:** Either one dwelling unit per lawfully created lot or two dwelling units per lawfully created lot if a special permit is secured for a second residential unit. In a mobilehome park, one dwelling unit per mobilehome lot is permitted up to the maximum density allowed by the General Plan.
- (3) **Maximum Lot Depth:** Three (3) times the lot width.
- (4) **Minimum Yard Setback:**
- (a) Front: Twenty (20) feet
  - (b) Rear: Ten (10) feet
  - (c) Interior Side: Five (5) feet
  - (d) **Exterior Side:** Same as front or one-half (1/2) the front if all parts of the main building are more than twenty-five (25) feet from the rear lot line, and the exterior side yard does not abut a collector or higher order street. (In questionable cases, the Public Works Director shall classify the subject street.)
  - (e) **Double Frontage Lots:** Front and rear- twenty (20) feet; except that the rear yard setback may be reduced to ten (10) feet where such yard abuts on alley.
  - (f) **For Flag Lots,** the Planning Director, in consultant with the Public Works Department, shall establish the minimum

yard that is required for a vehicular turn around on the lot.

- (5) Maximum Ground Coverage: Thirty-five percent (35%).
- (6) Maximum Structure Height: Thirty-five (35) feet.
- (7) Permitted Principal Building Types:
  - (a) Residential Single Detached, manufactured homes in mobilehome parks.
  - (b) Limited Mixed Residential-Nonresidential;
  - (c) Nonresidential detached or Multiple/Group.

**4) *Changes to allow cottage industry as principally permitted or specially permitted use in the RA zone district.***

**Section 313-17. RA RURAL RESIDENTIAL AGRICULTURAL ZONE**

**A. Principal Permitted Uses.**

- (1) Residential Use Types
  - Single Family Residential
- (2) Agricultural Use Types
  - General Agriculture
- (3) Civic Use Types
  - Minor Utilities
- (4) Industrial Use Types
  - Cottage Industry; subject to the Cottage Industry Regulations

**B. Conditionally Permitted Uses.** The following use types are permitted pursuant to the Development Permit Procedures in Chapter 5 of this Division:

- (1) Residential Use Types
  - Guest House
- (2) Civic Use Types
  - Essential Services
  - Community Assembly
  - Public Recreation and Open Space
  - Solid Waste Disposal: subject to the Solid Waste Disposal Regulations.
  - Oil and Gas Pipelines: subject to the Oil and Gas Pipeline Regulations.
  - Major Electrical Distribution Lines: subject to the Electrical Distribution Lines Regulations.

Minor Generation and Distribution Facilities

- (3) Commercial Use Types  
Neighborhood Commercial (Permitted with a use permit only in the Coastal Zone.)  
Bed and Breakfast Establishment: subject to the Bed and Breakfast Establishment Regulations.  
Private Recreation
- ~~(4) Industrial Use Types~~  
~~Cottage Industry, subject to the Cottage Industry Regulations.~~
- ~~(5)~~ (4) Agricultural Use Types  
Stables and Kennels  
Intensive Agriculture
- ~~(6)~~ (5) Commercial Timber Use Types  
Timber Production
- ~~(7)~~ (6) Extractive Use Type  
Surface Mining-2; subject to the Surface Mining Regulations.
- ~~(8)~~ (7) Natural Resources Use Types  
Fish and Wildlife Management  
Watershed Management  
Wetland Restoration  
Coastal Access Facilities

C. Development Standards

- (1) **Minimum Lot Size and Lot Width:** In adopting the RRA Rural Residential Agricultural Zoning District, the Board of Supervisors shall establish minimum lot size and lot width requirements as set forth in the following table:

Zoning District Designator	Minimum Lot Size	Minimum Lot Width
RA - 1	1.0 Acres	150 feet
RA - 2	2.0 Acres	175 feet
RA - 2.5	2.5 Acres	175 feet
RA - 5	5.0 Acres	250 feet
RA - 10	10.0 Acres	350 feet
RA - 20	20.0 Acres	475 feet
RA - 40	40.0 Acres	750 feet

- (2) **Maximum Density:** Either one dwelling unit per lawfully create lot or two dwelling units per lawfully created lot if a special permit is secured for a second residential unit.
- (3) **Maximum Lot Depth:** Four (4) times the lot width.

(4) Minimum Yard Setback:

Minimum Lot Size Less Than 2.5 Acres:

- (a) Front: Twenty (20) feet;
- (b) Rear: Ten (10) feet;
- (c) Interior Side: Five (5) feet,
- (d) Exterior Side: Twenty (20) feet;
- (e) For Flag Lots, the Planning Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for vehicular turn around on the lot.

Minimum Lot Size 2.5 Acres or Larger:

- (a) Front: Twenty (20) feet, Thirty (30) feet for flag lots;
- (b) Rear: Thirty (30) feet;
- (c) Interior Side: Thirty (30) feet;
- (d) Exterior Side: Twenty (20) feet;
- (e) Double Frontage Lots: Front and rear-twenty (20) feet; except that the rear yard setback may be reduced to ten (10) feet where such yard abuts an alley.
- (f) For Flag Lots, the Planning Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.

(4) Maximum ground Coverage: Thirty-five percent (35%).

(5) Maximum Structure Height: Thirty-five (35) feet.

(6) Permitted Main Building Types:

- (a) Residential Single Detached;
- (b) Limited Mixed Residential - Nonresidential;
- (c) Nonresidential Detached or Multiple Group.

5) *Changes to allow cottage industry as principally permitted or specially permitted use in the CN zone district.*

Section A313-21. CN NEIGHBORHOOD COMMERCIAL

A. Principal Permitted Uses.

- (1) Civic Use Types  
Minor Utilities
- (2) Commercial Use Types  
Neighborhood Commercial
- (3) Industrial Use Types  
Cottage Industry; subject to the Cottage Industry Regulations

B. Conditionally Permitted Uses. The following use types are permitted pursuant to the Development Permit Procedures in Chapter 5 of this Division.

- (1) Residential Use Types  
Caretaker's Residence
- (2) Civic Use Types  
Administrative  
Community Assembly  
Essential Services  
Minor Generation and Distribution Facilities  
Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations.  
Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations.
- (3) Commercial Use Types  
Retail Sales  
Retail Services  
Office and Professional Service
- ~~(4) Industrial Use Type  
Cottage Industry; subject to the Cottage Industry Regulations.~~

D. Development Standards

- (1) Minimum Lot Size: 5,000 square feet.
- (2) Minimum Lot width: Fifty (50) feet.
- (3) Maximum Lot Depth: Three (3) times the lot width.
- (4) Minimum Yard Setbacks:

- (a) Front: None, except that where frontage is in a block is partially in an R zone, the front yard shall be the same as that required in such R zone;
  - (b) Rear: Fifteen (15) feet, except that where a rear yard an alley, such rear yard may be not less than
  - (c) Side: None, except that a side yard of an interior lot abutting on an R zone or an A zone shall not be than the front yard required in such R zone or A zone;
  - (d) For Flag Lots, the Planning Director, in consultation the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.
- (5) Maximum Ground Coverage: (None specified.)
  - (6) Maximum Structure Height: Forty-five (45) feet.
  - (7) Permitted Main Building Types:
    - (a) Ancillary Residential, Manufactured Home;
    - (b) Limited Mixed Residential - Nonresidential;
    - (c) Nonresidential Detached, Group Multiple.

**6) *Changes to allow cottage industry as principally permitted or specially permitted use in the AE, TC and TPZ zone district.***

**Section A313-29. AE AGRICULTURE EXCLUSIVE**

**A. Principal Permitted Uses.**

- (1) Single Family Residential (on lots sixty (60) acres or larger in size, two single detached dwellings are permitted)
- (2) Civic Use Types  
Minor Utilities
- (3) Agricultural Use Type  
General Agriculture
- (4) Commercial Timber Use  
Timber Production
- (5) Industrial Use Types  
Cottage Industry; subject to the Cottage Industry Regulations



B. **Conditionally Permitted Uses.** The following use types are permitted pursuant to the Development Permit Procedures in Chapter 5 of this Division.

(1) **Residential Use Types**

Guest House  
Farm Employee Housing  
Labor Camp  
Second Agriculture or Commercial Timber Production Residence (on a lot less than 60 acres in size)  
Single Family Residential (use permit is required on a lot less than sixty (60) acres in size for a second single detached dwelling)

(2) **Civic Use Types**

Essential Services  
Solid Waste Disposal; subject to the Solid Waste Disposal Regulations  
Oil and Gas Pipelines: subject to the Oil and Gas Pipelines Regulations.  
Major Electrical Distribution Lines: subject to the Electrical Distribution Lines Regulations.  
Minor Generation and Distribution Facilities

(3) **Industrial Use Type**

Aquaculture (within non-prime agricultural lands only)  
~~Cottage Industry; subject to the Cottage Industry Regulations.~~

(4) **Agricultural Use Types**

Hog Farming  
Feed Lots/Slaughter House  
Stables and Kennels  
Agriculture-Related Recreation  
Intensive Agriculture

(5) **Extractive Use Types**

Oil and Gas Drilling and Processing; subject to the Oil and Gas Drilling and Processing Regulations.  
Surface Mining-2; subject to the Surface Mining Regulations.  
Surface Mining-3; subject to the Surface Mining Regulations.  
Metallic Mineral Extraction: subject to the Surface Mining Regulations.

(6) **Natural Resources Uses Types**

Fish and Wildlife Habitats Management  
Watershed Management  
Wetland Restoration  
Resource-Related Recreation  
Coastal Access Facilities

C. Development Standards:

- (1) Minimum Lot Size and Minimum Lot Width: In adopting the AE Agriculture Exclusive Zoning District, the Board of Supervisors shall establish minimum lot size and lot width requirements as set forth in the following table:

<u>Zoning District Designator</u>	<u>Minimum Lot Size</u>	<u>Minimum Lot Width</u>
AE-20	20 acres	(As determined during subdivision review and approval.)
AE-40	40 acres	
AE-60	60 acres	
AE-160	160 acres	
AE-600	600 acres	

(2) Minimum Yard Setback:

- (a) Front: Twenty (20) feet, Thirty (30) feet for flag lots;
  - (b) Rear: Thirty (30) feet;
  - (c) Interior Side: Thirty (30) feet;
  - (d) Exterior Side: Twenty (20) feet;
  - (e) Double Frontage Lots: Front and rear-twenty (20) feet; except that the rear yard setback may be reduced to ten (10) feet where such yard abuts an alley.
  - (f) For Flag Lots: The Planning Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.
- (3) Maximum Structure Height: (None specified)
- (4) Permitted Main Building Type:
- (a) Residential Single Detached, Ancillary Residential, Manufactured Home;
  - (b) Unlimited Mixed Residential - Nonresidential;
  - (c) Detached Nonresidential.

Section A313-30. TC COMMERCIAL TIMBER ZONE REGULATIONS

A. Principal permitted Uses.

- (1) Residential Use Type  
Single Family Residential

(2) Civic Use Type  
Minor Utilities

(3) Agricultural Use Type  
General Agriculture

(4) Commercial Timber Use Type  
Timber Production

(5) Industrial Use Types

Cottage Industry; subject to the Cottage Industry Regulations

B. Conditionally Permitted Uses. The following use types are permitted pursuant to the Development Permit Procedures in Chapter 5 of this Division.

(1) Residential Use Type  
Single Family Residential (A use permit is required for a second single family residence. The second single family residence need not be contiguous to the location of the principal single family residence.)

(2) Civic Use Types  
Essential Services  
Solid Waste Disposal 1; subject to the Solid Waste Disposal Regulations.  
Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations.  
Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations.  
Minor Generation and Distribution Facilities

(3) Industrial Use Type  
Timber Products Processing  
Aquaculture  
~~Cottage Industry; subject to the Cottage Industry Regulations.~~

(4) Agricultural Use Type  
Agricultural Related Recreation

(5) Extractive Use Types  
Surface Mining; subject to Surface Mining Regulations.  
Oil and Gas Drilling and Processing; subject to the Oil and Gas Drilling and Processing Regulations.  
Metallic Mineral Extraction; subject to the Surface Mining Regulations.

(6) Natural Resources Use Type  
Coastal Access Facilities

C. Development Standards

- (1) Minimum Lot Size: Forty (40) acres.
- (2) Minimum Lot Width: (As determined during subdivision review and approval).
- (3) Maximum Total Conversion of Timberland for Non-Timber Production Uses: Two (2) acres of contiguous or non-contiguous land.
- (4) Minimum Yard Setback:
  - (a) Front: Twenty (20) feet; Thirty (30) feet for flag lot;
  - (b) Rear: Thirty (30) feet;
  - (c) Interior Side: Thirty (30) feet;
  - (d) Exterior Side: Twenty (20) feet;
  - (e) Double Frontage Lots: Front and rear-twenty (20) feet; except that the rear yard setback may be reduced to ten (10) feet where such yard abuts an alley.
  - (f) For Flag Lots,: The Planning Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.
- (5) Maximum Structure Height: Thirty-five (35) feet.
- (6) Permitted Main Building Types:
  - (a) Residential Single Detached, Ancillary Residential; Manufactured Home;
  - (b) Detached Nonresidential.

Section A313-31. TPZ TIMBERLAND PRODUCTION ZONE

A. Principal Permitted Uses.

- (1) Residential Use Type  
Single Family Residential
- (2) Civic Use Type  
Minor Utilities
- (3) Agricultural Use Type  
Timber Production

(4) Industrial Use Types

Cottage Industry; subject to the Cottage Industry Regulations

B. Conditionally Permitted Uses. The following use types are permitted pursuant to the Development Permit Procedures in Chapter 5 of this Division.

(1) Residential Use Type

Single Family Residential (A use permit is required for a second single family residence. The second single family residence need not be contiguous to the location of the principal single family residence.)

(2) Civic Use Types

Essential Services

Solid Waste Disposal; subject to the Solid Waste Disposal Regulations.

Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations.

Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations.

Minor Generation and Distribution Facilities

(3) Industrial Use Type

Timber Products Processing

~~Cottage Industry; subject to the Cottage Industry Regulations.~~

Aquaculture

(4) Agriculture

Agriculture-Related Recreation

(5) Extractive Use Types

Surface Mining-2; subject to Surface mining Regulations.

Oil and Gas Drilling and Processing; subject to the Oil and Gas Drilling and Processing Regulations.

(6) Natural Resources Use Types

Coastal Access Facilities

C. Development Standards:

(1) Minimum Lot Size: Forty (40) acres.

(2) Minimum Lot Width: (As determined during subdivision review and approval.)

(3) Maximum Total Conversion of Timberland for Non-Timber Production Uses: Two (2) acres of contiguous or noncontiguous land.

(4) Minimum Yard Setback:

- (a) Front: Twenty (20) feet, Thirty (30) feet for flag lots;
- (b) Rear: Thirty (30) feet;
- (c) Interior Side: Thirty (30) feet;
- (d) Exterior Side: Twenty (20) feet;
- (e) Double Frontage Lots: Front and rear-twenty (20) feet; except that the rear yard setback may be reduced to ten (10) feet where such yard abuts an alley.
- (f) For Flag Lots: The Planning Director, in consultation with the Public Works Department, shall establish the minimum yard that required for a vehicular turn around on the lot.

(5) Maximum Structure Height: Thirty-five (35) feet.

(6) Permitted Main Building Types:

- (a) Residential Single Detached, Ancillary Residential, Manufactured Home;
- (b) Detached Nonresidential.

(4) Permitted Main Building Type:

- (a) Residential Single Detached, Ancillary Residential, Manufactured Home;
- (b) Unlimited Mixed Residential - Nonresidential;
- (c) Detached Nonresidential.

## DENSITY BONUS ORDINANCE

### 1) Add a new section immediately following §A314-12 (Cottage Industry).

#### Section A314-12.1 Residential Density Bonus Ordinance

- A. Purpose and Intent. This Density Bonus Ordinance is intended to provide incentives for the production of housing for very low, lower income, or senior households in accordance with Sections 65915 and 65917 of the California Government Code. In enacting this Section, it is the intent of the County of Humboldt to facilitate the development of affordable housing and to implement the goals, objectives, and policies of the County's Housing Element.
- B. Definitions. Whenever the following terms are used in this Section, they shall have the meaning established by this Subsection:
- (1) "Additional Incentives" means such regulatory concessions as specified in California Government Code Subsections 65915 (d) and (b). These include, but are not limited to, the reduction of site development standards or zoning code requirements, direct financial assistance, approval of mixed-use zoning in conjunction with the Housing Development, or any other regulatory incentive resulting in identifiable cost avoidance or reductions offered in addition to a Density Bonus. See Subsection 5 of this Section for further discussion.
- (2) "Affordable Rent" means monthly housing expenses, including a reasonable allowance for utilities, for rental Target Units reserved for Very Low or Lower Income Households, not exceeding the following calculations:
- (a) Very Low Income: Fifty percent of the area median income for Humboldt County, adjusted for household size, multiplied by 30 percent and divided by 12.
- (b) Lower Income: Sixty percent of the area median income for Humboldt County, adjusted for household size, multiplied by 30 percent and divided by 12.
- (3) "Affordable Sales Price" means a sales price at which Lower or Very Low Income Households can qualify for the purchase of Target Units, calculated on the basis of underwriting standards of mortgage financing available for the development.
- (4) "Density Bonus" means a minimum density increase of at least 25 percent over the otherwise Maximum Residential Density.
- (5) "Density Bonus Housing Agreement" means a legally binding agreement between a developer and the County to ensure that the requirements of this Section are satisfied. The agreement, among other things, shall establish: the number of Target Units, their

size, location, terms and conditions of affordability, and production schedule. See Subsection 7 of this Section for further discussion.

(6) "Density Bonus Unit" means those residential units granted pursuant to the provisions of this Section that exceed the otherwise Maximum Residential Density for the development site.

(7) "Equivalent Financial Incentive" means a monetary contribution, based upon a land cost per dwelling unit value, equal to one of the following:

(a) A Density Bonus and an Additional Incentive(s); or

(b) A Density Bonus, where an Additional Incentive(s) is not requested or is determined to be unnecessary. See Subsection 4 of this Section for further discussion.

(8) "Housing Cost" means the sum of actual or projected monthly payments for all of the following associated with for-sale Target Units: principal and interest on a mortgage loan, including any loan insurance fees, property taxes and assessments, fire and casualty insurance, property maintenance and repairs, homeowner association fees, and a reasonable allowance for utilities.

(9) "Housing Development" means construction projects consisting of five or more residential units, including single family, multifamily, and mobilehomes for sale or rent, pursuant to this Section.

(10) "Lower Income Household" means households whose income does not exceed the lower income limits applicable to Humboldt County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Section 50079.5 of the California Health and Safety Code.

(11) "Maximum Residential Density" means the maximum number of residential units permitted by the General Plan and Zoning Ordinance at the time of application, excluding the provisions of this Section. If the housing development is within a planned development overlay zone, the maximum residential density shall be determined on the basis of the general plan and the maximum density of the underlying zone.

(12) "Non-Restricted Unit" means all units within a Housing Development excluding the Target Units.

(13) "Qualifying Resident" means senior citizens or other persons eligible to reside in Senior Citizen Housing.

(14) "Senior Citizen Housing" means a housing development consistent with the California Fair Employment and Housing Act (Government Code Section 12900 et. seq., including 12955.9 in particular), which has been "designed to meet the physical and social needs of senior citizens," and which otherwise qualifies as "housing for older persons" as that phrase is used in the federal Fair Housing Amendments Act of 1988 (PL 100-430) and implementing regulations and



as that phrase is used in California Civil Code Section 51.2 and 51.3.

(15) "Target Unit" means a dwelling unit within a Housing Development that will be reserved for sale or rent to, and affordable to, Very Low or Lower Income Households, or Qualifying Residents. In determining the maximum Affordable Rent or Affordable Sales Price of Target Units the following household and unit size assumptions shall be used, unless the Housing Development is subject to different assumptions imposed by other governmental regulations:

<u>SRO (residential hotel) unit</u>	<u>75% of 1 person</u>
<u>0 bedroom (studio)</u>	<u>1 person</u>
<u>1 bedroom</u>	<u>2 person</u>
<u>2 bedroom</u>	<u>3 person</u>
<u>3 bedroom</u>	<u>4 person</u>
<u>4 bedroom</u>	<u>6 person</u>

(16) "Very Low Income Household" means households whose income does not exceed the very low income limits applicable to Humboldt County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Section 50105 of the California Health and Safety Code.

C. Implementation. The County shall grant either: a Density Bonus, or a Density Bonus with an Additional Incentive(s), or Equivalent Financial Incentive; as set forth in Subsection 5 of this Section, to an applicant or developer of a Housing Development, who agrees to provide the following:

(1) At least 20 percent of the total units of the Housing Development as Target Units affordable to Lower Income Households; or

(2) At least 10 percent of the total units of the Housing Development as Target Units affordable to Very Low Income Households; or

(3) Senior citizen housing.

In determining the minimum number of Density Bonus Units to be granted pursuant to this Section, the Maximum Residential Density for the site shall be multiplied by 0.25. When calculating the number of permitted Density Bonus Units, any fractions of units shall be rounded to the next larger integer.

In determining the number of Target Units to be provided pursuant to this Section, the Maximum Residential Density shall be multiplied by 0.10 where Very Low Income Households are targeted, or by 0.20 where Lower Income Households are targeted. The Density Bonus Units shall not be included when determining the total number of Target Units in the Housing Development. When calculating the required number of Target Units, any resulting decimal fraction shall be rounded to the next larger integer.

In cases where a density increase of less than 25 percent is requested, no reduction will be allowed in the number of Target Units required. In cases

where a density increase of more than 25 percent is requested, the requested density increase, if granted, shall be considered an Additional Incentive, as outlined in Subsection 5 of this Section.

In cases where the developer agrees to construct more than 20 percent of the total units for Lower Income Households, or more than 10 percent of the total units for Very Low Income Households, the developer is entitled to only one Density Bonus and an Additional Incentive(s) (or an Equivalent Financial Incentive) pursuant to Subsection 5 of this Section. Similarly, a developer who agrees to construct Senior Citizen Housing with 20 or 10 percent of the units reserved for Lower- or Very Low-Income Households, respectively, is only entitled to one Density Bonus and an Additional Incentive(s). The County may, however, grant multiple Additional Incentives to facilitate the inclusion of more Target Units than are required by this Section.

D. Development Standards.

Target Units should be constructed concurrently with Non-Restricted Units unless both the County and the developer/applicant agree within the Density Bonus Housing Agreement to an alternative schedule for development.

Target Units shall remain restricted and affordable to the designated group for a period of 30 years (or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program; or rental subsidy program), under the following circumstances:

(1) Both a Density Bonus and an Additional Incentive(s) is granted;  
or

(2) An Equivalent Financial Incentive equivalent to a Density Bonus and an Additional Incentive(s) is granted.

Target Units shall remain restricted and affordable to the designated group for a period of 10 years under the following circumstances:

(3) Only a Density Bonus is granted and no Additional Incentives are granted; or

(4) An Equivalent Financial Incentive equivalent to only a Density Bonus is granted.

Circumstances may arise in which the public interest would be served by allowing some or all of the Target Units associated with one Housing Development to be produced and operated at an alternative development site. Where the developer and County form such an agreement, the resulting linked developments shall be considered a single Housing Development for purposes of this Section. Under these circumstances, the developer shall be subject to the same requirements of this Section for the Target Units to be provided on the alternative site.

Target Units should be built onsite wherever possible and, when practical, be dispersed within the Housing Development. Where feasible, the number of bedrooms of the Target Units should be equivalent to the bedroom mix of the non-Target units of the Housing Development; except that the Developer may

include a higher proportion of Target Units with more bedrooms. The design and appearance of the Target Units shall be compatible with the design of the total Housing Development. Housing Developments shall comply with all applicable development standards, except those which may be modified as provided by this Section.

A Density Bonus Housing Agreement shall be made a condition of the discretionary planning permits for all Housing Developments pursuant to this chapter. The Agreement shall be recorded as a restriction on the parcel or parcels on which the Target Units will be constructed. The Agreement shall be consistent with Subsection G of this Section.

E. Development Incentives.

The County shall provide a Density Bonus and an Additional Incentive(s), for qualified Housing Developments, upon the written request of a developer, unless the County makes a written finding that the Additional Incentive(s) is not necessary to make the Housing Development economically feasible to accommodate a Density Bonus, or unless all the required findings for approving subdivisions cannot be made.

The development incentives granted shall contribute significantly to the economic feasibility of providing the Target Units. Applicants seeking a waiver or modification of development or zoning standards shall show that such waivers or modifications are necessary to make the Housing Development economically feasible in accordance with Government Code Section 65915(e). This requirement may be satisfied by reference to applicable sections of the County's general plan housing element

The need for incentives will vary for different Housing Developments. Therefore, the allocation of Additional Incentives shall be determined on a case-by-case basis. The Additional Incentives may include, but are not limited to, any of the following:

(1) A reduction of site development standards or a modification of zoning code or architectural design requirements which exceed the minimum building standards provided in Part 2.5 (commencing with Section 18901) of Division 13 of the California Health and Safety Code). These may include, but are not limited to, any of the following:

- (a) Reduced minimum lot sizes and dimensions.
- (b) Reduced minimum yard setbacks.
- (c) Increased maximum lot coverage.
- (d) Increased maximum building height.
- (e) Reduced on site parking standard; including the number or size of spaces.
- (f) Reduced minimum building separation requirements.
- (g) Reduced street standards (e.g. reduced minimum street widths).

(2) Allow the Housing Development to include non-residential uses and/or allow the Housing Development within a non-residential zone.

(3) Other regulatory incentives or concessions proposed by the developer or the County which result in identifiable cost reductions or avoidance.

(4) A Density Bonus of more than 25 percent

(5) Waived, reduced, or deferred planning, plan check, construction permit, and/or development impact fees.

(6) Direct financial aid in the form of a loan or a grant to subsidize or provide low interest financing for on or off site improvements, land or construction costs.

The County may offer an Equivalent Financial Incentive instead of granting a Density Bonus and an Additional Incentive(s). The value of the Equivalent Financial Incentive shall equal at least the land cost per dwelling unit savings that would result from a Density Bonus and must contribute significantly to the economic feasibility of providing the Target Units pursuant to this Section.

#### F. Application Requirements and Review.

An application for a density bonus and additional incentive as allowed pursuant to this Section shall be processed concurrently with any other application(s) required for the Housing Development. Final approval or disapproval of the application (with right of appeal to the Board of Supervisors) shall be made by the Planning Commission unless direct financial assistance is requested. If direct financial assistance is requested, the Planning Commission shall make a recommendation to the Board of Supervisors who will have the authority to make the final decision on the application.

An applicant/developer proposing a Housing Development pursuant to this Section, may submit a preliminary application prior to the submittal of any formal request for approval of a Housing Development. Applicants are encouraged to schedule a pre-application conference with the Planning Director or designated staff to discuss and identify potential application issues including prospective Additional Incentives pursuant to Subsection 5 of this Section.

The Planning Director or designated staff shall inform the applicant/developer that the requested Additional Incentives shall be recommended for consideration with the proposed Housing Development, or that alternative or modified Additional Incentives pursuant to Subsection 5 shall be recommended for consideration instead of the requested Incentives. If alternative or modified Incentives are recommended by the Planning Director, the recommendation shall establish how the alternative or modified Incentives can be expected to have an equivalent affordability effect as the requested Incentives.

#### G. Density Bonus Housing Agreement.

Applicant/Developers requesting a Density Bonus, shall agree to enter into a Density Bonus Housing Agreement with the County. The terms of the draft agreement shall be reviewed and revised as appropriate by the Planning

Director or designated staff, who shall formulate a recommendation to the Planning Commission for final approval.

Following execution of the agreement by all parties, the completed Density Bonus Housing Agreement, or equivalent recording instrument, shall be recorded and the conditions therefrom filed and recorded on the parcel or parcels designated for the construction of Target Units. The approval and recordation shall take place prior to final map approval, or, where a map is not being processed, prior to issuance of building permits for such parcels or units. The Density Bonus Housing Agreement shall be binding to all future owners and successors in interest

The Density Bonus Housing Agreement shall include at least the following:

- (1) The total number of units approved for the Housing Development, including the number of Target Units.
- (2) A description of the household income group to be accommodated by the Housing Development, as outlined in Subsection 3 of this Section, and the standards for determining the corresponding Affordable Rent or Affordable Sales Price and Housing Cost
- (3) The location, unit sizes (square feet) and number of bedrooms of Target Units.
- (4) Tenure of use restrictions for Target Units of at least 10 or 30 years, in accordance with Subsection 4 of this Section.
- (5) A schedule for completion and occupancy of Target Units.
- (6) A description of the Additional Incentive(s) or Equivalent Financial Incentives being provided by the County.
- (7) A description of remedies for breach of the agreement by either party (the County may identify tenants or qualified purchasers as third party beneficiaries under the agreement).
- (8) Other provisions to ensure implementation and compliance with this Section.
- (9) In the case of for-sale Housing Developments, the Density Bonus Housing Agreement shall provide for the following conditions governing the initial sale and use of Target Units during the applicable use restriction period:
  - (a) Target Units shall, upon initial sale, be sold to eligible Very Low or Lower Income Households at an Affordable Sales Price and Housing Cost, or to Qualified Residents (i.e. maintained as Senior citizen housing) as defined by this Section.
  - (b) Target Units shall be initially owner-occupied by eligible Very Low or Lower Income Household; or by Qualified Residents in the case of Senior citizen housing.

- (c) The initial purchaser of each Target Unit shall execute an instrument or agreement approved by the County restricting the sale of the Target Units in accordance with this ordinance during the applicable use restriction period. Such instrument or agreement shall be recorded against the parcel containing the Target Unit and shall contain such provisions as the County may require to ensure continued compliance with this ordinance and the State Density Bonus Law.

In the case of rental Housing Developments, the Density Bonus Housing Agreement shall provide for the following conditions governing the use of Target Units during the use restriction period:

- (d) The rules and procedures for qualifying tenants, establishing Affordable Rent, filling vacancies, and maintaining Target Units for qualified tenants;
- (e) Provisions requiring owners to verify tenant incomes and maintain books and records to demonstrate compliance with this Section.
- (f) Provisions requiring owners to submit an annual report to the County, which includes the name, address, and income of each person occupying Target Units, and which identifies the bedroom size and monthly rent or cost of each Target Unit.

## DESIGN REVIEW

### 1) *Modify section A314-57 of the coastal zoning ordinance.*

#### Section A314-57 D - DESIGN REVIEW

- A. **Purpose** The purpose of these regulations is to provide design review for conformance of new development with the policies and standards of the General Plan, and to provide for a design review process where neighborhoods within the same zone district desire to preserve or enhance the area's historical, cultural or scenic values.
- B. **Applicability** These regulations shall apply to lands designated "D" on the Zoning map. ~~Solar collectors for on site use are exempt from the design review requirement of this section.~~
- C. **Special Coastal Development Permit Required** A special coastal development permit is required for all development subject to these regulations except that the following development shall be exempt from coastal development permit requirements for design review:
- (1). Additions to existing structures that meet all the criteria listed below:
    - (a) The addition is solar collectors for on-site use
    - (b) The addition would result in an increase of 10 percent or less of floor area to the structure. The percentage increase shall include any previous additions that have been exempted from design review pursuant to this section, and
    - (c) The addition does not increase the height of the structure by more than 10 percent, and
    - (d) The addition is not located on a beach, wetland, within 50 feet of a coastal bluff or coastal stream, seaward of the mean high tide line, or in a coastal scenic or coastal view area, and
  - (2). Installation or removal of windows, doors or siding material provided that new siding material is non-reflective.

The application for the permit shall be accompanied by a fee in the amount as established by ordinance or resolution of the Board of Supervisors.

Development exempt from coastal development permit requirements for design review shall be consistent with all other requirements of this chapter and any applicable permit.

- D. **Appointment and Composition of the Design Review Committees** The Board of Supervisors may select any person(s) or organization who, in the opinion of the Board, is qualified to serve on the committee



Such person(s) must be devoid any and all financial interest in the development application under consideration. The representatives of the Design Review Committee shall not exceed five (5) persons. In the absence of any Board of Supervisors' approved representatives, the Planning Director shall be the reviewing authority.

- E. Design Review Standards Buildings, sites, structures, signs, landscaping, and similar development will be consistent with the policies of the General Plan and this Division, and the Design Review Committee shall take the following items under consideration in reviewing development plans:

- (1) The project is consistent and compatible with applicable elements of the General Plan
  - (a) Within designated Coastal Scenic Areas, as mapped, measures are included in the project design so that it will be subordinate to the character of the surrounding setting;
  - (b) Within designated Coastal View Areas, as mapped, and where views from the public roads to the coast or coastal waterways are of concern, the height, width, and siting of structures, including setbacks from road and parcel lines will be considered to retain as much of the existing view as possible; views from public trails, beaches, or public recreation areas into the development site will also be considered
  - (c) Within Shelter Cove designated Coastal View areas, building heights may be increased one (1) foot for each two (2) feet of total additional side yard that is provided in excess of the required five (5) feet side yard, to a maximum allowable height of 24 feet; or in order to provide an alternate method of providing view corridors, one side yard may be reduced to a minimum of zero feet where:
    - i. The opposite side yard provided equals ten (10) feet; and
    - ii. The adjacent property owner along the side yard being reduced agrees to a similar reduction along the common lot line; and
    - iii. The adjacent dwellings can meet building and energy code requirements for structures which are separated by less than ten (10) feet.
- (2) Protection of natural land forms through minimizing alteration caused by cutting, filling, grading or clearing, except to comply with fire hazard reduction laws



- (3) Exterior lighting that will be compatible with the surrounding setting and will not be directed beyond the boundaries of the parcel
  - (4) Screening or softening the visual impact of new development through the use of vegetative plantings; if appropriate, species common to the area should be used. Known fire resistive plants should be considered where appropriate
  - (5) Where feasible, new utilities should be underground. When above-ground facilities are the only feasible alternative, they should be sited unobstructively as possible
  - (6) Setbacks from roads and property lines are appropriate to protect the scenic and visual qualities of the site and area
  - (7) Off-premises signs, which are needed to direct visitors to permitted commercial recreation areas should be attractively designed in keeping with the surrounding setting and clustered at appropriate locations
- F. Restrictions Applicable Within Designated Coastal View Areas. Within Coastal View Area, as designated by the General Plan, new off-site signs are prohibited
- G. Required Findings for Designated Coastal Scenic and Coastal View Areas. A Coastal Development Permit for development located within a designated Coastal Scenic or Coastal View Area shall only be approved if the applicable Resource Protection Impact Findings in Chapter 5 are made.
- H. Additional Standards Applicable to Shelter Cove Portions of South Coast Area Plan
- (1) Building Structural Design Standards
    - (a) Residences must be constructed to a minimum width of twenty (20) feet at the narrowest point, as measured from exterior wall to exterior wall, to be compatible with existing residences
    - (b) Foundations must be designed to meet the Uniform Building Code requirements of seismic zone IV. All structures that require a building permit, including but not limited to manufactured homes, shall be attached to continuous perimeter foundations meeting the seismic zone IV standards. Engineered pole structures where a continuous perimeter foundation is not feasible due to slopes or site conditions shall be exempt from this provision.
    - (c) A minimum roof overhang of twelve (12) inches (not including rain gutters) must be provided on all residences. This overhang is to be an integral part of the structures. Gable ends may be excluded when approved as part of the design review processes.

- (d) Exterior walls and roofing materials of unfinished metal or galvanized metal are prohibited. The exterior finish of any metal material must have a manufacturer's warranty certifying a minimum life of fifteen (15) years. Flammable roofing material such as wood shakes or shingles are not recommended.

## ***SPECIAL OCCUPANCY PARKS***

### ***1) Modify the Definitions and Use Types sections of the coastal zoning ordinance.***

*The following will be added to §A312-5 (Definitions (C)).*

Camping Party: "Camping Party" as used in this ordinance has the same meaning as stated in §18203.2 of the California Health and Safety Code (Camping Party), which is a person or group of not more than 10 persons occupying a campsite for not more than 30 days annually.

*The following will be added to §A312-11 (Definitions (I))*

Incidental Camping Area: (See Commercial Use Type in Chapter 3)

*Substitute "Special occupancy park" for "Recreational vehicle park" and "tent camps" for "public camps" in the definition of Commercial Recreation Facilities (§A312-20)*

Section A312-20. Definitions (R) (part)

Recreational facilities, Commercial: facilities serving recreational needs but operated for private profit, including, for example, ~~recreational vehicle parks~~ special occupancy parks, ~~public camps~~ tent camps, chartered fishing boats, tourist attractions and amusement or marine parks.

*The following will be added to §A312-21 (Definitions (S))*

Special Occupancy Park. (See Commercial Use Type in Chapter 3.)

*Substitute "Recreational vehicle" for "Trailer" in the definition of Structure §A312-21*

Section A312-21. Definitions (S) (part)

Structure: Anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, including swimming pools and signs, but excluding decks and platforms 30 inches or less in height, signs 3 feet or less in height, driveways, patios, or parking spaces where the area is unobstructed from the ground up, fences six feet or less in height, and for zoning setback purposes, retaining walls six feet or less in height. (Building permits may be required for retaining walls.) ~~Trailers~~ Recreational vehicles used for human occupation are considered structures. Decks and platforms 30 inches or less in height must conform with Setback standards of this code. Structures, unless exempt, may require a coastal Development Permit.

*The following will be added to §A312-22 (Definitions, (T))*

Temporary Recreational Vehicle Park: (See Commercial Use Type in Chapter 3)

Tent Camp. (See Commercial Use Types in Chapter 3)

*The following will be modified in §A312-24 (Definitions (V)).*

Vehicle, Recreational: "Recreational Vehicle" as used in this ordinance has the same meaning as stated in §18010 of the California Health and Safety Code (recreational vehicle). "Recreational Vehicle" is a motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational, emergency, or other occupancy, with a living area less than 320 square feet, excluding built-in equipment, including wardrobes, closets, cabinets, kitchen units or fixtures, bath and toilet rooms.

Visitor-Serving Facilities: Public and private developments that provide accommodations, food and services, including hotels, motels, campgrounds, tent camps, restaurants, and commercial-recreation developments such as shopping, eating and amusement areas for tourists.

*Add the following commercial use types to the Listing of Use Classifications*

Section A313-2. Listing of Use Classifications. All uses are classified into the following use types. Use types are described in Sections A313-5 through Section A313-12, inclusive.

- (A) Residential Use Types
  - Single Family Residential
  - Multi Family Residential
  - Group Residential
  - Mobilehome Park Development
  - Guest House
  - Caretaker's Residence
  - Residence Incidental to Agriculture or Commercial Timber Production
  - Second Agriculture or Commercial Timber Production Residence
  - Farm Employee Housing
  - Labor Camp
  - Second Residential Unit
- (B) Civic Use Types
  - Essential Services
  - Administrative
  - Community Assembly
  - Non-Assembly Cultural
  - Public Recreation and Open Spaces
  - Health Care Services
  - Extensive Impact Civic Uses
  - Solid Waste Disposal
  - Minor Utilities
  - Minor Generation and Distribution Facilities
  - Oil and Gas Pipelines
  - Major Electrical Distribution Lines
- (C) Commercial Use Types
  - Retail Sales
  - Retail Service
  - Automotive Sales, Service and Repair
  - Neighborhood Commercial
  - Warehousing, Storage and Distribution
  - Heavy Commercial
  - Office and Professional Service
  - Private Institution
  - Transient Habitation
  - Bed and Breakfast Establishment
  - Visitor Serving Facilities
  - Commercial Recreation
  - Recreational vehicle Park
  - Private Recreation
  - Coastal Dependent Recreation
  - Incidental Camping Area

Special Occupancy Park  
Temporary Recreational Vehicle Park  
Tent Camp

*Delete "trailers" from the definition of Mobilehome Development Use Type (§A313-5(E)) since it duplicates recreational vehicles.*

E. Mobilehome Park Development. The Mobilehome Park Development Use Type refers to a tract of land where two (2) or more mobilehome lots are rented or leased or held out for rent or lease to accommodate mobilehomes, ~~trailers~~ or recreational Vehicles used for human habitation. The Mobilehome Park Development Use Type includes mobilehome development constructed according to the requirements of Part 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code. (Reference: Section 65852.7, Government Code.)

*The following will be modified in §A313-7 (Commercial Use Types)*

~~Campgrounds and Recreational Vehicle Parks:~~ "Recreational Vehicle Park" as used in this ordinance has the same meaning as stated in §18215 of the California Health and Safety Code (Recreational Vehicle Park), which is any area or tract of land or a separate designated section within a mobilehome park where one or more lots are rented or leased or held out for rent or lease to owners or users of recreational vehicles or tents, and which are occupied for temporary purposes subject to the Recreational Vehicle Park Regulations in Chapter 4.

Incidental Camping Area: "Incidental Camping Area" as used in this ordinance has the same meaning as stated in §18208 of the California Health and Safety Code (Incidental camping area), which is any area or tract of land where camping is incidental to the primary use of the land for agriculture, timber management, or water or power development purposes, and where two or more campsites used for camping are rented or leased or held out for rent or lease. The density of usage shall not exceed 25 camping parties within a radius of 265 feet from any campsite within the incidental camping area.

Transient Habitation. The Transient habitation Use Type includes motels, hotels, resorts and other facilities other than ~~recreational vehicle parks~~ special occupancy parks providing lodging services to guests on a less-than weekly basis.

Commercial Recreation. The Commercial recreation Use Type refers to facilities serving recreational needs but operated for private profit, including, for example, riding stables, chartered fish boats, tourist attractions and amusement or marine parks, ~~but including recreational vehicle parks~~ special occupancy parks but not including tent camps.

~~Campgrounds and Recreational Vehicle Parks.~~ Any area or tract land, where one or more lots are rented or leased or held out rent, or leased to owners or users of recreational vehicles or tents and which are occupied for temporary purposes subject to ~~Recreational Vehicle Park~~ Special Occupancy Park Regulations in Chapter 4.

Special Occupancy Park: "Special Occupancy Park" as used in this ordinance has the same meaning as stated in §18216.1 of the California Health and Safety Code (Special Occupancy Park), which means a recreational vehicle park, temporary recreational vehicle park, incidental camping area or tent camp.

Temporary Recreational Vehicle Park: "Temporary Recreational Vehicle Park" as used in this ordinance has the same meaning as stated in §18217 of the California Health and Safety Code (Temporary Recreational Vehicle Park), which is any area or tract of land or a separate designated section within a mobilehome park where one or more lots are rented or leased or held out for rent or lease to owners or users of recreational vehicles, and which is established for one occupancy not to exceed 11 consecutive days, and is then removed.

Tent Camp: "Tent Camp" as used in this ordinance has the same meaning as stated in Title 25, California Code of Regulations, section 2208 (Definitions - Tent Camp). "Tent Camps" are any area or tract of land where one or more lots are rented or leased or held out for rent or for the exclusive use of camping parties.

***Substitute "tent camps" for campgrounds in the definition of the Public Recreation and Open Space Use Type (§A313-6).***

Section A313-6. Civic Use Types. (part)

- F. Public Recreation and Open Space. The Public Recreation and Open Space Use Type refers to a publicly-owned and maintained park land and low intensity uses attendant thereto, such as ~~overnight campgrounds~~ tent camps and picnic areas and food service and other concessions.

***2) Modify the General Provisions section of the coastal zoning ordinance.***

***The following will be modified in §A314-22 (Mobilehome Park)***

Section A314-22. MOBILEHOME PARK

- A. Purpose. The purpose of these regulations is to establish standards for the development of new mobilehome parks and the expansion of existing mobilehome parks in Humboldt County.
- B. Applicability. These regulations shall apply to the development, expansion, or alteration of any mobilehome park, as defined in the Mobilehome Park use type.
- C. Development Standards. The construction, alteration or expansion of a mobilehome park shall be subject to the following development standards, except as provided herein:
- (1) Minimum Lot Size: No mobilehome park ~~or trailer park~~ shall be permitted on a lot that is less than five (5) acres in area.

- (2) **Minimum Recreation Area:** A minimum recreation area of 1,500 net square feet per acre of mobilehome park shall be provided and improved in conjunction with the development.
- (3) **Minimum Yards:** Minimum yards around mobilehome ~~and trailer~~ parks front, side and rear, twenty (20) feet. Yard areas may not be used to satisfy the minimum recreation area that is required by this section.
- (4) **Access:**
  - (a) All mobilehome parks shall have either one (1) fifty foot (50') minimum width access or two (2) twenty-five foot (25') minimum width permanent points of access to a public road.
  - (b) All circulation roads within the park shall be a minimum of twenty-four feet 24') (two-way traffic) from curb to curb and shall be increased in width by eight feet (8') from curb parking space on each side of the street on which such curb parking is permitted.
  - (c) All roads and parking spaces shall be permanently paved.
- (5) **Parking:**
  - (a) Two (2) on-site parking spaces or the equivalent in parking bays shall be provided for each mobilehome site. A parking space shall not be less than eight feet (8') wide and eighteen feet (18') long, and contain seven feet (7') of vertical clearance.
  - (b) Guest parking shall be provided at a ratio of one (1) space for every four (4) mobilehome sites. On-street parking is acceptable in meeting this requirement if all the streets providing the spaces are constructed to forty (40) feet in width. If the streets within the mobilehome park are less than 40 feet in width, the ratio for guest parking shall be one (1) space for every two (2) mobilehome sites, accomplished by the use of parking bays containing at least four (4) parking spaces per bay. Such bays shall be located no greater than 200 feet apart.
  - (c) If any type of commercial use(s) is (are) proposed within the mobilehome park, additional parking shall be provided consistent with the Off street Parking Requirements in Section A314-26.
- (6) **Fencing and Landscaping:**
  - (a) Every mobilehome park shall provide an ornamental, sight obscuring fence, wall, or other suitable screening/planting, with a minimum height of six (6)

feet, along all boundaries of the mobilehome park site that abut on public roads or property lines.

- (b) All areas not used for access, parking, circulation, recreation, or services shall be completely and permanently landscaped and the entire site shall be maintained in a neat, orderly, and sanitary condition.

- (7) **Storage Area:** A minimum outdoor storage shed of forty-eight (48) square feet shall be provided for each unit.

D. **Exceptions for Existing Substandard Mobilehome Parks.**

The Hearing Officer may modify the above requirements for an existing substandard park proposed to be enlarged or altered provided that the modifications are limited to the extent that an overall improvement in the design or standards of such existing park will result, and subject to making the applicable findings for granting exceptions in Chapter 5.

***Substitute "Recreational vehicle" for "trailer" in the Non-Conforming Uses and Structures Section (§A314-25).***

Section A314-25. NON CONFORMING USES AND STRUCTURES (part)

H. **Special Provisions Concerning Non-Conforming Mobilehomes.**

- (1) **Existing Mobilehomes.** Each existing mobilehome placed on an individual lot in accordance with the then applicable laws and Code sections may remain at the existing location without the construction of a foundation. The use permit for such mobilehome shall run with the land and shall be transferable to subsequent purchasers. If such mobilehome is moved to another individual lot not within a mobilehome park it must be placed upon a foundation.
- (2) **Replacement in Flood-Prone Area.** If a non-conforming mobilehome or ~~trailer~~ recreational vehicle is removed from an area which is subject to the Flood Hazard Area Regulations, the same mobilehome or ~~trailer~~ recreational vehicle may be relocated on the same site within six (6) months and installed in accordance with the applicable regulations in effect at the time of the unit's original installation.

***"Special Occupancy Park" will be substituted for "Recreational Vehicle Park" in §A314-30 (Recreational Vehicle Parks). It will also be moved to between §A314-34 (Solid Waste Disposal) and §A314-35 (County Historical Structures).***

Section A314-~~30~~ 34.1. ~~Recreational Vehicle~~ Special Occupancy Parks

- A. **Purpose.** The purpose of these regulations is to ensure special occupancy ~~recreational vehicle~~ parks meet minimum standards of habitability and do not adversely impact surrounding property.
- B. **Applicability.** These regulations shall apply to all ~~Recreational Vehicle~~ Special Occupancy Park Use Types. Nothing herein contained shall be deemed to relieve the owner or operator of a ~~recreational~~



Vehicle Special Occupancy park of the duty of complying with all applicable state and local laws and regulations.

C. Development Standards.

- (1) Location. ~~Recreational vehicle~~ Special occupancy parks shall be established for the convenience of the traveling public.
- (2) Minimum Site Area. ~~Recreational vehicle Special occupancy~~ parks shall be located on a parcel of land not less than ~~three (3)~~ acres one (1) acre in area.
- (3) Density of Occupation. Occupancy of campground spaces within ~~recreational vehicle special occupancy~~ parks is limited to one (1) recreation vehicle or two (2) tents per each campground space.
- (4) Fences and Walls. Each ~~recreational vehicle~~ special occupancy park shall be entirely enclosed at its exterior boundaries by appropriate decorative screening or landscaping material; provided, however, that said screen when located within a front yard shall be constructed at or behind the required setback.
- (5) Required Setbacks. The setbacks prescribed by the applicable zone shall apply to ~~recreational vehicle parks~~ special occupancy parks.
- (6) Minimum Campground Space Dimensions. Each campground space within a ~~recreational vehicle special occupancy~~ park shall be not less than 1,000 square feet in area, except that thirty percent (30%) of said spaces may be not less than 650 square feet in area for the accommodation of tents and small camping units only.
- (7) Minimum Campground Space Setbacks and Campground Space Density.
  - (a) Each recreational vehicle or tent occupying a campground space and all accessory buildings shall maintain a six (6) foot setback from any building, or other ~~travel trailer~~, recreational vehicle or tent, pursuant to regulations contained in Title 25 of the California Administrative Code.
  - (b) No recreational vehicle or tent shall be permitted to locate less than fifteen (15) feet from any abutting property.
  - (c) No, recreational vehicle or tent shall be located less than twenty-five (25) feet from any prime arterial or collector road, and not less than fifteen (15) feet from any street right-of-way.
  - (d) Campground space density shall not exceed twelve (12) units per acre.
- (8) Landscaping. All setbacks from streets and other areas in a ~~recreational vehicle special occupancy~~ park not used for driveways, parking, buildings and service areas shall be landscaped in accordance with the conditions of the use permit. Walls, earthen berms, and landscaped buffer strips shall be used wherever possible to minimize noise from freeway sources.

- (9) **Interior Roadways.** Private streets a ~~recreational vehicle~~ special occupancy park shall have the following minimum clearance widths:
- (a) One-way with no side parking 15 feet
  - (b) One-way with parking permitted on one side. 22 feet
  - (c) Two-way with no parking on either side. 20 feet
  - (d) Two-way with parking permitted on one side. 27 feet
  - (e) Two-way with parking permitted on both sides 34 feet
- (10) Adequate roadway space for turn-arounds shall be provided.
- (11) **Off-Street Parking.** Parking space a ~~recreational vehicle~~ special occupancy park shall be provided as follows:
- (a) One (1) parking space for each ~~trailer or~~ recreational vehicle.
  - (b) One (1) parking space for each full-time employee.
  - (c) For the purpose of registration, spaces for temporary parking in proximity to the park office shall be provided in the following lowing ratio:

0 - 200 occupant spaces	-	6 spaces
201 - 300 occupant spaces	-	8 spaces
301 - or more occupant spaces	-	10 spaces
- (12) **Location Map.** Each campground space in a ~~recreational vehicle~~ special occupancy park shall be clearly identified and a locational map shall be provided at the park office.
- (13) **Trash Collection.** Common storage enclosures for garbage and trash shall be provided. Such enclosures shall be of sturdy construction and designed to screen trash and garbage receptacles from public view.
- (14) **Lighting.** Adequate artificial lighting shall be provided for all walkways, streets, parking areas, sanitary facilities, storage areas, and recreational facilities. No lighting shall be constructed or positioned so as to cause direct or undesirable illumination of adjacent property or campground spaces within the park.
- (15) **Sanitary Facilities.** Sanitary facilities a ~~recreational~~ special occupancy park facility shall be in accordance with the regulations of Title 25 of the California Administrative Code and shall include:

- (a) The availability of a potable water supply from a public utility or a distributor holding a valid permit from the state. Water supplies from other sources shall be approved by the Humboldt County Department of Health;
  - (b) Wastewater disposal facilities provided by a public agency which has met the requirements of the Regional Water Quality Control Board. Alternative or individual disposal systems shall be approved by the County Health Department;
  - (c) A ~~trailer~~ recreational vehicle sanitation station designed and constructed in accordance with the regulations of Title 25 and approved by the County Health Department where on-site sanitation is proposed;
  - (d) Toilets, showers and lavatories for the exclusive use of the occupants of the ~~recreational vehicle park~~ special occupancy park shall be provided as required by Health and Safety Code Section 1864(b);
  - (e) Laundry facilities in accordance with the requirements of Health and Safety Code.
- (16) **Storage Facilities.** Storage facilities may be provided for the storage of vehicles belonging to park occupants. Storage areas shall be paved or graveled and enclosed by a solid wall or fence not less than six (6) feet in height.
- D. **Accessory Buildings.** A ~~recreational vehicle~~ special occupancy park may include the following accessory buildings provided such uses are designed to be clearly accessory to ~~recreational vehicle~~ special occupancy park and intended for the convenience of the occupants and their guests:
- (1) **Assembly and Recreation.** A building or buildings designed for indoor assembly or recreation.
  - (2) **Commercial Services.** Commercial structures and uses such as general store, restaurant, lunch counter, or snack bar.
  - (3) **Personal Services.** Service buildings and facilities incidental to and customarily accessory to permitted uses, including sauna baths and swimming pools.
  - (4) **Caretaker's Residence.**
- E. **Limitations.** No person or group of persons other than the owner or operator thereof shall occupy any of the campground spaces in a ~~recreational vehicle~~ special occupancy park for permanent family or group residential use. Length of occupancy of all other campground spaces shall be regulated as follows:
- (1) Persons occupying with total hook-up capacity, including sewer, water and electricity, shall not occupy any campground space in

a ~~recreational vehicle park~~ special occupancy park for a period exceeding ~~six (6)~~ four (4) months in any twelve (12) month period, nor shall the cumulative occupancy by such persons of different campground spaces anywhere in the facility exceed six (6) months in any twelve (12) month period.

- (2) Persons occupying tents or vehicles with less than total hook-up capacity shall not occupy any campground space in a ~~recreational vehicle~~ special occupancy park for a period exceeding thirty (30) days in any twelve month period, nor shall the cumulative occupancy by such persons of different campground spaces anywhere in the facility exceed a total of thirty (30) days in any twelve (12) month period.

- F. Modification of Development Criteria. Modification of the development ~~criteria~~ standards (A) through (D) of this Section may be granted by the Hearing Officer subject to making the required findings for Granting Special Permit Exceptions in Chapter 5 and the finding that the development will be consistent with all applicable State and local health and safety standards.

Modification of the development standard (E) of this Section may also be allowed with a Special Permit, provided the following supplemental findings are made: 1) the development will be compatible with surrounding land uses, and 2) the development meets minimum State standards for habitability.

To ensure the park is compatible with surrounding property uses, the Hearing Officer may limit the term of the permit to a specified time period, and may require that the caretaker of the park has specific plans and sufficient experience with anticipated users to effectively engage the cooperation of the users to maintain the park in a clean, safe and sanitary condition.

The Hearing Officer may also require the caretaker 1) demonstrate the ability to implement a plan for responding to the ongoing concerns of the neighbors, such as regularly scheduled meetings and 24 hour crisis response capacity, and 2) agree to mediation by a disinterested party agreeable to all parties, where conflicts with neighbors persist.

***Substitute "Recreational vehicle" for "trailer" in the Temporary Use Section (A314-37)***

**Section A314-37 TEMPORARY USE**

- A. Temporary Uses Permitted with a Special Permit. The following temporary uses may be permitted upon obtaining a special permit, 5 subject to the following conditions:

- (1) Temporary Office. One (1) mobilehome may be used as an office appurtenant to, accessory to, and in conjunction with the operation of a mobilehome sales area.

- (2) Recreational Use. A ~~trailer or~~ recreational vehicle may be used in recreational areas for up to six months by person(s) who have a permanent residence elsewhere.
- (3) Employee Housing or Contractor's Office. A mobilehome, ~~trailer~~ recreational vehicle, or office may be used by a construction contractor as employee housing for the duration of a construction project.

3 *Identify in the coastal zoning ordinances the zone districts where accommodations can be developed for special occupancy parks*

*The following changes to the zoning ordinance special occupancy parks in PR zones.*

Section A313-20. PR PUBLIC RECREATION (COASTAL)

A. Principal Permitted Uses.

- (1) Civic Use Types
  - Public Recreation and Open Space
  - Minor Utilities
- (2) Natural Resource Use Types
  - Coastal Access Facilities

B. Conditionally Permitted Uses. The following use types are permitted pursuant to the Development Permit Procedures in Chapter 5 of this Division.

- (1) Residential Use Types
  - Caretaker's Residence
- (2) Civic Use Types
  - Essential Services
  - Oil and Gas Pipelines; subject to the Oil and Gas Pipeline Regulations.
  - Minor Generation and Distribution Facilities
  - Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations.
- (3) Commercial Use Types
  - Visitor Serving
  - Commercial Recreation
  - Coastal Dependent Recreation
  - ~~Recreational Vehicle Park~~
  - Special Occupancy Parks
- (4) Natural Resources Use Types
  - Fish and Wildlife Habitat management
  - Watershed Management
  - Wetland Restoration
  - Boating Facilities

C. Development Standards:

- (1) Minimum Lot Size: 5,000 square feet.
- (2) Minimum Lot Width: Fifty (50) feet.
- (3) Minimum Lot Depth: Three (3) times the lot width.
- (4) Minimum Yard Setback:
  - (a) Front: None, except that where the front yard abuts an zone, the front yard shall be the same as that required in such R zone;
  - (b) Rear: Fifteen (15) feet, except that where a rear yard abuts an alley, such rear yard may be not less than five (5) feet;
  - (c) Side: None, except that a side yard of an interior lot abutting on an R zone or an A zone shall not be less than the front yard required in such R zone or A zone;
  - (d) For Flag Lots, the Planning Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.
- (5) Maximum Ground Coverage: Thirty-five (35) percent.
- (6) Maximum Structure Height: Thirty-five (35) feet.
- (7) Permitted Main Building Types:
  - (a) Ancillary Residential, Manufactured Home;
  - (b) Limited Mixed Residential - Nonresidential;
  - (c) Nonresidential Detached, Multiple Group.

*The following changes to the zoning ordinance allow special occupancy parks in CR zones.*

Section A313-23. CR - COMMERCIAL RECREATION

A. Principal Permitted Uses.

- (1) Commercial Use Types
  - Visitor Serving Facilities
  - Transient Habitation
  - Commercial Recreation
  - Coastal Dependent Recreation
- (2) Civic Use Types
  - Minor Utilities
- (3) Natural Resources Use Types
  - Resource Related Recreation
  - Coastal Access Facilities

B. Conditionally Permitted Uses. The following use types are permitted pursuant to the Development Permit Procedures in chapter 5 of this Division.

- (1) Residential Use Types
  - Single Family Residential
  - Caretaker's Residence
- (2) Civic Use Types
  - Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations.
  - Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations.
  - Minor Generation and Distribution Facilities
- (3) Commercial Use Types
  - ~~Recreational Vehicle Park~~
  - Special Occupancy Park
- (4) Commercial Timber Use
  - Timber Production
- (5) Natural Resources Use Types
  - Fish and Wildlife Management
  - Watershed Management
  - Wetland Restoration
  - Boating Facilities Improvements

C. Development Standards

- (1) Minimum Lot Size: 5,000 square feet.
- (2) Minimum Lot Width: Fifty (50) feet.
- (3) Maximum Lot Depth: Three (3) times the lot width.

(4) **Minimum Yard Setback:**

- (a) Front: None, except that where frontage is in a block which is partially in an R zone, the front yard shall be the same as that required in such R Zones.
- (b) Rear: Fifteen (15) feet, except that where a rear yard abuts an alley, such rear yard may be not less than five (5) feet.
- (c) Side: None, except that u side yard of an interior lot 3 abutting on an R zone shall not be less than the front yard required in such R zone;
- (d) For Flag Lots, the Planning Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.

(5) **Maximum Structure Height:** forty-five (45) feet.

(6) **Permitted Main, Building Types:**

- (a) Ancillary Residential, Manufactured Home;
- (b) Limited mixed Residential - Nonresidential;
- (c) Nonresidential Detached, Group/Multiple.



*The following changes to the zoning ordinance allow special occupancy parks in CRD zones.*

Section A313-24. CRD COASTAL DEPENDENT COMMERCIAL RECREATION

A. Principal Permitted Uses.

- (1) Civic Use Type  
Minor Utilities
- (2) Commercial Use Type  
Coastal Dependent Recreation
- (3) Natural Resources Use Types  
Resource-Related Recreation  
Coastal Access Facilities
- (4) Commercial Use Types  
Incidental Camping Area  
Tent Camp  
Temporary Recreational Vehicle Park

B. Conditionally Permitted Uses. The following use types are permitted pursuant to the Development Permit Procedures in Chapter 5 of this Division.

- (1) Residential Use Types  
Single Family Residential  
Caretaker's Residence
- (2) Civic Use Types  
Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations.  
Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations.  
Minor Generation and Distribution Facilities
- (3) Commercial Use Types  
Visitor Serving Facilities  
Transient Habitation  
Commercial Recreation  
Recreational Vehicle Park
- (4) Natural Resources Use Types  
Fish and Wildlife Management  
Watershed Management  
Wetland Restoration  
Boating Facilities Improvements

C. Development Standards

- (1) Minimum Lot Size: 5,000 square feet.
- (2) Minimum Lot Width: Fifty (50) feet.
- (3) Maximum Lot Depth: Three (3) times the lot width.
- (4) Minimum Yard Setback:
  - (a) Front: None, except that where frontage is in a block which is partially in an R zone, the front yard shall be the same as that required in such R zone;
  - (b) Rear: Fifteen (15) feet, except that where a rear yard abuts an Alley, such rear yard may be not less than five (5) feet;
  - (c) Side: None, except that a side yard of an interior lot abutting on an R zone shall not be less than the front yard required in such R zone or A zone;
  - (d) For Flag Lots, the Planning Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.
- (5) Maximum Structure Height: Forty-five (45) feet.
- (6) Permitted Main Building Types:
  - (a) Ancillary Residential, Manufactured Home;
  - (b) Limited Mixed Residential - Nonresidential;
  - (c) Nonresidential Detached, Group/Multiple.

## ***PLANNED UNIT DEVELOPMENTS***

### ***1) Modify the Planned Unit Development section of the coastal zoning ordinance to provide better design guidelines.***

#### **Section A314-62 P - PLANNED UNIT DEVELOPMENT**

**A. Purpose** The purpose of these provisions is to encourage planned developments, and to allow flexibility in the administration of the development standards in this Division for the purpose of:

- (1) Permitting more flexibility to cope with difficulties due to topography and other natural or man made features;
- (2) Provide for clustered development in concert with the provision of residential amenities such as open space, recreation areas, and neighborhood commercial services;
- (3) Encourage a more creative approach to land development through waiver of development standards and application of less rigid development criteria where such flexibility can better provide for the protection and enhancement of designated sensitive habitats and cultural resources provided all the required findings for approving subdivisions can be made;

#### **B. Applicability**

- (1) These regulations shall apply to areas designated "P" on the Zoning Maps.
- (2) These regulations may be applied where any of the following conditions prevail, provided the Planning Director and the applicant agree that to do so would be in the public interest and best interests of the applicant:
  - (a) Any site where more than four (4) dwelling units, commercial buildings, or industrial buildings or combination thereof are proposed;
  - (b) The development proposal is within a residential zone and includes residential and non-residential development;
  - (c) Any site or development proposal where application of these regulations would provide a better means of carrying out the intent of the County General Plan.

**C. Minimum Lot Size Requirement** Planned Unit Developments shall be permitted on lots of 20,000 square feet or larger.

**D. Use Types Permitted** The principally permitted use types in the applicable zoning district shall also be permitted in the Planned Unit Development. Conditionally permitted use types may be permitted with a use permit.

E. Modifications of Development Standards. The following development standard modifications may be approved by the Planning Commission reviewing the Planned Unit Development permit applications.

(1) Residential Density Standards. ~~Applicable residential density standards may be increased by as much as twenty (20) percent where the development incorporates extraordinary public benefits beyond the applicable requirements of the General Plan and this Division. The determination of whether a development qualifies for the density bonus shall be at the discretion of the Planning Commission. The dedication or offer of dedication for an easement for coastal access or view shall not be considered to lower the area of a parcel for purposes of density calculation. Areas not designated for residential development in the General Plan shall not be included in calculating permitted densities.~~

(a) Applicable residential density standards may be increased by as much as twenty five percent (25%) if the development incorporates extraordinary public benefits such as enhancement of sensitive habitats, visual resources, or cultural resources, development and maintenance of public access to recreational areas, or at least forty percent (40%) of the total lot area of the PUD is reserved for common open space areas which conform to all the following requirements:

- They must be useable and available to occupants of the PUD.
- They must average at least 100' in width.
- At least one half (½) of the required open space shall have an overall finished grade not to exceed ten percent (10%) and shall be suitably improved for its intended purpose.
- All lawn and landscaped areas within the required common open space shall be provided with a permanent watering system adequate to maintain such areas in a healthy condition.

(b) The 25% density bonus limit in paragraph (a) above is the maximum density bonus permitted; it may not be combined with any other density bonus allowed by County or State regulations if densities greater than 25% would result.

(c) If development is to be accomplished in stages, the development shall coordinate the improvement of the common open space areas and the construction of dwelling units in order that each development stage may achieve a proportional share of the total common open space.

(d) Common areas must be owned, managed and maintained by the PUD owners association, public agency, or equivalent organization.

(e) The dedication or offer of dedication for an easement for coastal access or view shall not be considered to lower the area of a parcel for purposes of density calculation.

(f) Areas not designated for residential development in the General Plan shall not be included in calculating permitted densities.

- (2) Lot Size Standards. The applicable lot size standards may be modified to carry out the intent of the Planned Unit Development Regulations, provided all other development standards set forth herein are met.
- (3) Lot Coverage Standards The applicable lot coverage standards shall apply, except that building coverage shall be calculated over the entire development instead of being applicable to each lot in the development.
- (4) Setback Standards The applicable setback standards may be modified provided:
  - (a) Lot coverage requirements herein are met;
  - (b) Setbacks for lots located in the perimeter of the development shall conform with the setback requirements stipulated for the zone;
  - ~~(c) The minimum space between all detached structures shall be six (6) feet for every ten (10) feet in height of the highest building affected;~~
- (5) Permitted Principal Building Types. The applicable Building Type requirements shall apply except that the Hearing Officer may permit other Building Types as part of an approval of a Planned Unit Development Permit.

F. Design Guidelines. ~~Planned Unit Developments shall be designed in accordance with the following guidelines:~~

- ~~(1) Site Adaptation. To the maximum extent possible, the plan and design of the development shall assure that natural features of the land and environment are preserved.~~
- ~~(2) Lot Arrangement. All lots within the development shall be designed and arranged to provide maximum feasible access to or frontage on open space or recreation areas, and to provide maximum south orientation as required by Chapter 2-5, Division 2, Title III of the Humboldt County Code.~~

These guidelines shall be considered by architects, engineers, and other persons involved in designing Planned Unit developments, and by the Planning Commission and Board of Supervisors in reviewing them. The guidelines recognize that while few people are in complete accord on what makes a well designed project, there is general agreement on a number of basic design principles, which are enumerated below.

(1) Natural Considerations

The starting point in any design should be maintenance of the prominent natural features of the site.

Major trees and shrubs should be retained to the maximum extent possible, and should become the basis of the design of lots, roads, and other open spaces in the PUD. They add permanence and a sense of continuity to new developments, and new landscaping will take many years to provide the same benefits that mature existing vegetation will provide immediately. In some cases, native landscaping can be replaced in phases if part of a long-term plan to create a different landscaping effect.

New homesites should be sited and designed to concentrate development on level areas so that disturbance of steeper hillsides is minimized. Where the size and topography of the site requires development on hillsides, new construction and grading should follow the natural contours of the landscapes, fitting the site rather than altering the landform to accommodate buildings.

To maintain ridgeline and hillside silhouettes, new development near ridgelines or steep slopes should be sited adjacent to existing major vegetation, where the major vegetation is retained. The height of buildings constructed near ridgelines should not affect the ridgeline silhouette.

Natural slopes in excess of twenty-five percent should remain undisturbed.

Disturbed areas not proposed for development should be renaturalized and revegetated as quickly as possible.

(2) Circulation Considerations

Residences should take access from local roads serving a limited number of units. Few, if any, dwellings should front upon a collector street. This will restrict the amount of traffic in front of homes, which in turn promotes safety to children, pedestrians, pets, and even parked cars on the street.

Where residential road construction of a two lane travel way would eliminate large trees or other prominent natural features, or result in excess grading, roads should be divided to preserve those features.

Shoulders tend to visually widen the road, and encourage higher speeds as a result. Where shoulders are required for stormwater management on residential streets, the shoulders should be grass surfaced wherever possible.

Incorporating alleys into the transportation system serving smaller lots is encouraged since alleys can be a beneficial means of providing a second automobile access to narrow lots. Although it is generally more desirable for alleys to connect a street at both ends, in some cases, dead end alleys with turn arounds may be permitted.

### (3) Parking Considerations

Reducing the visual impact of lines of parked cars and expanses of asphalt can add more to the good looks of a building than anything else.

Shared parking areas such as parking courtyards are encouraged.

Whenever possible, parking areas should be placed at the side or back of a building.

To avoid the long, narrow, dreary look of carports found in some older apartment complexes, individual carports and garages should be designed to accommodate no more than four vehicles.

If a parking lot for five cars is within 20 feet of a street property line, a landscaped strip at least five feet wide should be provided between the parking lot and the street. This strip should have a fence, berm, wall or landscaping hedge that is three (3) feet high at the edge closest to the parking.

A screening device not less than six (6) feet high should be provided along all interior property lines where a parking lot for five or more cars adjoins a property line of a residential use. Raised earth mounds with landscaping may be used in place of fencing.

To avoid unwarranted noise or light, no parking lot for five or more cars should allow the front of parked cars to be within fifteen feet of the front of a living unit.

### (4) Architectural Considerations

Buildings should be compatible in design to development nearby. Building size is not necessarily a major concern in design; the size of large buildings can be visually reduced by providing changes in the depth of the facade (both vertical and horizontal), and changes in facade materials.

Buildings should be made compatible in style to nearby development through the use of similar roof types, siding

materials, color schemes, architectural details, and landscaping design.

Living rooms, and eating and sleeping areas should face toward gardens and open areas and away from streets and parking areas.

(5) Other Considerations

Landscaping should be used to enhance privacy, and to give visual order to the development.

All multifamily units of four or more dwellings should have laundry facilities, either as a common laundry room or in-unit connections for washers and dryers. A rule of thumb for common laundry facilities is one washer/dryer in a four-plex, and one additional washer/dryer for each additional six units, although family units will probably require more.

One or more areas within a project should be set aside for trash collection and recycling collection. These areas should be conveniently placed, screened off from sight, directly accessible for the garbage and recycling trucks, and sited where early morning collection will not disturb residents.

All utilities should be placed underground.

Surcharge retention swales should be used to collect and dissipate stormwater runoff.

G. Circulation

- (1) **Access.** Planned Unit Developments shall be appropriately located with respect to streets and highways or other transportation facilities so as to direct access. Entrances and exits for automotive vehicles shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to pedestrians, passing traffic, or to traffic entering and leaving the development. Merging and turnout lanes shall be required where existing or anticipated flows of passing traffic or traffic from or to the Planned Unit Development indicate the need for such lanes.
- (2) **Internal Circulation.** Roads, pedestrian and bikeway paths shall be an integrated system designed to provide efficient safe circulation to all uses. Pedestrian/bikeways shall be clearly signed and have adequate crossing facilities where warranted.

Developments should be designed to minimize the length of road and encourage smooth traffic flow with controlled turning movements and minimum hazards to pedestrians, passing traffic, or to traffic entering and leaving the development. Merging and turnout lanes shall be required where existing or anticipated flows of passing traffic or traffic from or to the Planned Unit Development indicate the need for such lanes.



Developments should be designed to minimize the length of roadway

- (3) **Siting of Roadways and Parking Areas.** Siting of roadways and parking areas shall be consistent with the character of the site, avoiding excessive cuts and fills
- (4) **Parking Standards.** The following will be the minimum off-street parking requirements for dwelling units and permitted commercial uses in a residential Planned Unit Development.
  - (a) Parking spaces for permitted uses, shall be provided in accordance with the Off-Street Parking regulations.
  - (b) Off-street parking shall be designed and located in accordance with the Off-Street Parking and Loading Standards except that:
    - i. Off-street parking may be clustered in parking pods in proximity to the dwelling units they serve; and
    - ii Off-street parking for guests may be required up to a maximum of one (1) space per two (2) dwelling units.
- (5) **Recreation Vehicle Parking.** Sufficient parking space may be required for storage of residents' recreational vehicles. If required, a recreational vehicle parking area shall be located so as to be compatible with the surrounding land use. If located along the outer fringe of the PUD, it shall be adequately screened from vision from the adjacent properties

H. **Utilities.** In addition to other requirements set forth herein, the following shall apply:

- (1) All utilities shall be approved by the appropriate agencies;
- (2) All utility services should be placed underground, if required by the appropriate agencies;
- (3) provisions shall be made for fire prevention, including service waterlines, and free emergency access for fire fighting equipment around buildings;
- (4) Provision shall be made for control of site storm water drainage.

I. **Owners Association.** A non-profit incorporated owners association or an alternative acceptable to County Counsel, shall be required if other satisfactory arrangements, such as County Service Area, have not been made for improving, operating and maintaining common facilities, including open space, streets, drives, service and parking areas, and recreation areas.

## SECOND UNITS

### 1) *Allow second units as principally permitted uses in the RS and RA zone districts*

#### Section A313-16. RS RESIDENTIAL SINGLE FAMILY USE ZONE

##### A. Principal Permitted Uses.

- (1) Residential Use Types
  - Single Family Residential
  - Second Residential Unit

- (2) Civic Use Types
  - Minor Utilities

##### B. Conditionally Permitted Uses. The following use types are permitted pursuant to the Development Permit Procedures in Chapter 5 of this Division.

- (1) Residential Use Types
  - Mobile Home Park; subject to the Mobilehome Park Regulations.
  - Guest House
- (2) Civic Use Types
  - Essential Services
  - Community Assembly
  - Public Recreation and Open Space
  - Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations.
  - Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations.
  - Minor Generation and Distribution Facilities
- (3) Commercial Use Types
  - Bed and Breakfast Establishments; subject to the Bed and Breakfast Establishment Regulations.
  - Neighborhood Commercial (Permitted with a use permit only in the Coastal Zone.)
  - Private Institution
  - Private Recreation
- (4) Industrial Use Types
  - Cottage Industry; subject to the Cottage Industry Regulations.
- (5) Commercial Timber Use Types
  - Timber Production
- (6) Extractive Use Types
  - Surface Mining - 2; subject to the Surface Mining

Regulations.

- (7) Natural Resources Use Types  
Fish and Wildlife Management  
Watershed Management  
Wetland Restoration  
Coastal Access Facilities

C. Development Standards

- (1) Minimum Lot Size and Lot Width. In adopting the RS Residential Single Family Zoning District, the Board of Supervisors shall establish minimum size and lot width requirements as set forth in the following table:

Zoning District Designator	Minimum Lot Size	Minimum Width
RS - 5	5,000 sq. ft.	50 feet
RS - 7.5	7,500 sq. ft.	60 feet
RS - 10	10,000 sq. ft.	60 feet
RS - 20	20,000 sq. ft.	75 feet
RS - 40	40,000 sq. ft.	150 feet

- (2) **Maximum Density:** Either one dwelling unit per lawfully created lot or two dwelling units per lawfully created lot if a coastal development permit or special permit is secured for a second residential unit. In a mobilehome park, one dwelling unit per mobilehome lot is permitted up to the maximum density allowed by the General Plan.

- (3) **Maximum Lot Depth:** Three (3) times the lot width.

- (4) **Minimum Yard Setback:**

(a) Front: Twenty (20) feet

(b) Rear: Ten (10) feet

(c) Interior Side: Five (5) feet

(d) **Exterior Side:** Same as front or one-half (1/2) the front if all parts of the main building are more than twenty-five (25) feet from the rear lot line, and the exterior side yard does not abut a collector or higher order street. (In questionable cases, the Public Works Director shall classify the subject street.)

(e) **Double Frontage Lots:** Front and rear- twenty (20) feet; except that the rear yard setback may be reduced to ten (10) feet where such yard abuts on alley.

- (f) For Flag Lots, the Planning Director, in consultant with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.
- (5) Maximum Ground Coverage: Thirty-five percent (35%).
- (6) Maximum Structure Height: Thirty-five (35) feet.
- (7) Permitted Principal Building Types:
  - (a) Residential Single Detached, manufactured homes in mobilehome parks.
  - (b) Limited Mixed Residential-Nonresidential;
  - (c) Nonresidential detached or Multiple/Group.

Section 313-17. RA RURAL RESIDENTIAL AGRICULTURAL ZONE

A. Principal Permitted Uses.

- (1) Residential Use Types
  - Single Family Residential
  - Second Residential Unit
- (2) Agricultural Use Types
  - General Agriculture
- (3) Civic Use Types
  - Minor Utilities

B. Conditionally Permitted Uses. The following use types are permitted pursuant to the Development Permit Procedures in Chapter 5 of this Division:

- (1) Residential Use Types
  - Guest House
- (2) Civic Use Types
  - Essential Services
  - Community Assembly
  - Public Recreation and Open Space
  - Solid Waste Disposal: subject to the Solid Waste Disposal Regulations.
  - Oil and Gas Pipelines: subject to the Oil and Gas Pipeline Regulations.
  - Major Electrical Distribution Lines: subject to the Electrical Distribution Lines Regulations.
  - Minor Generation and Distribution Facilities
- (3) Commercial Use Types
  - Neighborhood Commercial (Permitted with a use permit only in the Coastal Zone.)

Bed and Breakfast Establishment: subject to the Bed and Breakfast Establishment Regulations.  
Private Recreation

- (4) Industrial Use Types  
Cottage Industry; subject to the Cottage Industry Regulations.
- (5) Agricultural Use Types  
Stables and Kennels  
Intensive Agriculture
- (6) Commercial Timber Use Types  
Timber Production
- (7) Extractive Use Type  
Surface Mining-2; subject to the Surface Mining Regulations.
- (8) Natural Resources Use Types  
Fish and Wildlife Management  
Watershed Management  
Wetland Restoration  
Coastal Access Facilities

C. Development Standards

- (1) **Minimum Lot Size and Lot Width:** In adopting the RRA Rural Residential Agricultural Zoning District, the Board of Supervisors shall establish minimum lot size and lot width requirements as set forth in the following table:

Zoning District Designator	Minimum Lot Size	Minimum Lot Width
RA - 1	1.0 Acres	150 feet
RA - 2	2.0 Acres	175 feet
RA - 2.5	2.5 Acres	175 feet
RA - 5	5.0 Acres	250 feet
RA - 10	10.0 Acres	350 feet
RA - 20	20.0 Acres	475 feet
RA - 40	40.0 Acres	750 feet

- (2) **Maximum Density:** Either one dwelling unit per lawfully create lot or two dwelling units per lawfully created lot if a coastal development permit or special permit is secured for a second residential unit.
- (3) **Maximum Lot Depth:** Four (4) times the lot width.
- (4) **Minimum Yard Setback:**

Minimum Lot Size Less Than 2.5 Acres:

- (a) Front: Twenty (20) feet;
- (b) Rear: Ten (10) feet;
- (c) Interior Side: Five (5) feet,
- (d) Exterior Side: Twenty (20) feet;
- (e) For Flag Lots, the Planning Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for vehicular turn around on the lot.

Minimum Lot Size 2.5 Acres or Larger:

- (a) Front: Twenty (20) feet, Thirty (30) feet for flag lots;
  - (b) Rear: Thirty (30) feet;
  - (c) Interior Side: Thirty (30) feet;
  - (d) Exterior Side: Twenty (20) feet;
  - (e) Double Frontage Lots: Front and rear-twenty (20) feet; except that the rear yard setback may be reduced to ten (10) feet where such yard abuts an alley.
  - (f) For Flag Lots, the Planning Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.
- (4) Maximum ground Coverage: Thirty-five percent (35%).
  - (5) Maximum Structure Height: Thirty-five (35) feet.
  - (6) Permitted Main Building Types:
    - (a) Residential Single Detached;
    - (b) Limited Mixed Residential - Nonresidential;
    - (c) Nonresidential Detached or Multiple Group.

**2) *Modify the second unit section of the coastal zoning ordinance***

**Section A314-31. SECOND RESIDENTIAL UNIT**

- A. **Purpose.** These regulations are intended to set forth standards for the creation of a subordinate residential unit or the conversion of existing living space into independent living space on lots in rural areas and residential neighborhoods.

- B. **Second Residential Units Permitted With Coastal Development Permit or Special Permit—Use Permit**. A second residential unit use type, as defined in Chapter 2, may be permitted with a coastal development permit in RS and RA zones if all the criteria of §A314-31(D) are met. A second residential unit that cannot meet all the criteria in §A314-31(D) may be permitted with a special permit pursuant to §A314-31(G) through §A314-31(J) below.
- C. **General Provisions.** The following General Provisions shall apply to all second residential units.
- (1) **Ownership.** A second residential unit shall remain under the same ownership as the main residential building. Such units shall not be the subject of condominium conversion or subdivision unless, in the case of a subdivision, the full lot area requirements of the zone are met.
  - (2) **Renting Permitted.** The second dwelling unit may be rented although rental is not required.
  - (3) **Building Type.** The second residential unit may be attached to, or detached from, the principal residence and may be over a garage.
  - (4) **Kitchen and Bathroom Facilities Required.** The second unit shall contain separate kitchen or kitchenette and bathroom facilities. Where the unit has a separate entrance, the entrance shall be subordinate to the entrance of the main unit.
  - (5) **Manufactured Homes.** A manufactured home may be permitted as second residential unit in certain zoning districts where such building type is specifically authorized.
  - (6) **Existing Single Family Residence.** Where one single family dwelling unit exists on a lot, a larger second unit may be constructed as the principal dwelling unit provided that the floor area of the existing unit is within the limitations of this Section, and all other development regulations and standards can be met for both units.
  - ~~(7) **Limitations to Granting Permits.** No more than one permit for a second dwelling unit per two years may be granted to any person or agent acting on behalf of such person.~~
- D. **Development Regulations and Standards.** The following development regulations and standards shall apply to all second residential units:
- (1) **Utilities.** Utilities may be shared in common with or separate from the main dwelling unit, whichever method may afford compliance with the applicable requirements of the County Code.
  - (2) **Building Site.** The building site shall be shared in common with the main dwelling unit. The residences share a common building site when they are located no farther than ~~300~~ 30 feet from

each other and when they share a common driveway. ~~Second residential units which cannot comply with these building site standards may be allowed with a Use Permit.~~

- (3) **Minimum Lot Size.** A second residential unit may be constructed or placed on a lot substandard to the zone. ~~if approved by the Hearing Officer.~~
- (4) **Total Floor Area.** The total floor area of any detached second dwelling unit, or in the case of an attached unit, the increase in floor area, shall be no more than 1,000 square feet, or sixty (60) percent of the principal dwelling, whichever is less. ~~Second residential units which are greater than 1,000 square feet in size and/or greater than 60 percent of the floor area of the main unit may be permitted with a Permit.~~
- (5) **Development Standards.** The second dwelling unit shall conform to the development standards for the main dwelling of the zoning district in which it is located, including but not limited to, standards for front, rear and side yard setbacks, height and lot coverage.
- (6) **Design Standards.** The second unit shall be constructed in such a manner as to be compatible with the existing neighborhood in terms of form, height, material and landscaping.
- (7) **Access.** The subject lot shall have a minimum of 50 feet of frontage on a road improved to a road category 4 or better, as specified in the Appendix to Title III, Division 2, of the Humboldt County Code.

E. **Second Dwelling Units on Lots with Non-Conforming Use or Structure.** Second dwelling units may be approved on lots with non-conforming uses, structures or support facilities provided that:

- (1) In the case of non-conformity due to use, the application can be processed consistent with Section A314-25;
- (2) In the case of non-conformity due to height or yard setbacks, no greater degree of non-conformity is created;
- (3) In the case of non-conformity due to County Code health provisions, all current applicable County Code health provisions can be met;
- (4) In the case of non-conformity due to building codes, parking and road easements, encroachments and standards, all current applicable codes can be met or substantially met to the extent that no abnormal risk to health or safety will result from occupancy of the unit.



F. Existing Second Dwelling Units.

- (1) A Special Permit may be approved by the Hearing Officer for a second dwelling unit on any lot which was constructed or partially constructed prior to March 13, 1984
- (2) An inspection of the dwelling shall be made by the appropriate county official(s). If the official(s) determines that the requirements of the applicable County codes, including modification thereof, have been met or substantially met, to the extent that no abnormal risk to health or safety will result from occupancy of the dwelling and the dwelling otherwise conforms to the County Code, the Hearing Officer may approve a special permit for the dwelling in accordance with the requirements set forth in this section.

G. Waiver of Density Standards. Applicable density standards shall be waived for secondary dwelling units in RS zones and RA zones which are planned and zoned for minimum parcel sizes of five acres or less.

H. Waiver of Maximum Floor Area. ~~The percentage requirements~~ maximum floor area requirement may be modified or waived with a Special Permit ~~where a manufactured home is the principal unit, or where~~ sufficient information is submitted with the application, including but not limited to, elevations and views of existing, proposed and adjacent buildings, to enable the Hearing Officer to determine, after providing for public comment, that the secondary dwelling unit would be subordinate to the principal unit and that the development would be compatible with the existing neighborhood.

I. Waiver of Building Site Standards. With a Special Permit, the requirement that the building site be shared in common may be modified or waived where sufficient information is submitted with the application, including but not limited to, elevations and views of existing, proposed and adjacent buildings, to enable the Hearing Officer to determine, after providing for public comment, that the secondary dwelling unit would be subordinate to the principal unit and that the development would be compatible with the existing neighborhood.

J. Waiver of Road Category 4 Access Standards. The requirement that the subject lot be served by a road that at least meets the Road Category 4 standard may be modified or waived with a Special Permit where the subject property is served by a road design equivalent to a Road Category 4 or better that is acceptable to the California Department of Forestry and Fire Protection and the Humboldt County Department of Public Works.

K. Required Findings. In addition to the findings for all permits in Chapter 5, the applicable Residential Use findings shall also be made prior to the approval of a Coastal Development Permit or Special Permit for a second dwelling unit.

3) *Modify the Supplemental Findings section A315-16(A)*

Section A315-16. Supplemental Findings. In addition to the required findings of Section A315-14 through A315-15, applicable, the Hearing Officer may approve or conditionally approve an application for a use permit, coastal development permit, or planned unit development permit only if the following findings are made. Those findings that are only applicable within the County's coastal zone are indicated by "(CZ)"; those findings that apply throughout the County, within and outside of the coastal zone, are indicated by "(county-wide)".

A. Residential Use Findings.

- (1) Second Residential Unit. The second residential unit is subordinate to the principal residence and is compatible with the character of the neighborhood, and the development is consistent with general plan policies regarding maintenance of open space, retention of agriculture and timber lands, and protection of the environment. (County-wide)

### CARETAKER'S RESIDENCES

- 1) *Move Caretaker's Residence from a Conditionally Permitted Use Type to a Principally Permitted Use Type in the Neighborhood Commercial zone district in the coastal zoning ordinance*

#### Section A313-21. CN NEIGHBORHOOD COMMERCIAL

A. Principal Permitted Uses.

- (1) Civic Use Types  
Minor Utilities

- (2) Commercial Use Types  
Neighborhood Commercial

- (3) Residential Use Types  
Caretaker's Residence which is incidental to and under the same ownership as an existing commercial use.

B. Conditionally Permitted Uses. The following use types are permitted pursuant to the Development Permit Procedures in Chapter 5 of this Division.

- ~~(1)~~ ~~Residential Use Types~~  
~~Caretaker's Residence~~

- ~~(2)~~ (1) Civic Use Types  
Administrative  
Community Assembly  
Essential Services  
Minor Generation and Distribution Facilities  
Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations.  
Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations.

- ~~(3)~~ (2) Commercial Use Types  
Retail Sales  
Retail Services  
Office and Professional Service

- ~~(4)~~ (3) Industrial Use Type  
Cottage Industry; subject to the Cottage Industry Regulations.

### *DUPLEX UNIT CONFIGURATION*

- 1) *Modify the definition of a duplex in the coastal zone §A312-4 (Definitions - B) to allow them to be placed side by side.*

*\*\*Carol, please note the following text is only part of §A312-4.*

#### A312-4 Definitions (B)

Building Type, Residential: That group of building types comprising the following:

**Single Detached:** One (1) dwelling unit, freestanding and structurally separated from any other dwelling unit or building, located on a lot or building site which is unoccupied by any other dwelling unit or main building.

**Duplex:** Two (2) dwelling units ~~placed side by side~~ with at least ten (10) feet of a common wall, structurally separated from any other dwelling unit or building and located on a lot or building site which is unoccupied by any other dwelling unit or main building.

**Multiple Unit:** A building containing at least three (3) dwelling units in any vertical or horizontal arrangement, located on a lot or building site which is unoccupied by any other dwelling unit or main building.

**Manufactured Home:** A structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width, or forty (40) body feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities; except that a manufactured home constructed to the standards required by the County Building Regulations for a Single Detached Residential Building shall be classified as a Single Detached Residential Building Type. The manufactured home building type includes mobile homes.

### *PARKLAND DEDICATION*

- 1) *Add a sub-section to the coastal zoning ordinance , §316-23F (Parkland Dedication (McKinleyville Coastal Planning Area)), and revise the ordinance to apply throughout the coastal area*

Section A314-29. PARKLAND DEDICATION ~~(McKinleyville Coastal Planning Area)~~

- A. **Purpose.** The purpose of these requirements is to provide opportunities for public recreation in conjunction with residential development in conformity with the County General Plan.
- B. **Applicability.** These regulations shall apply to all divisions of land for residential uses ~~located within the McKinleyville Coastal Planning Area~~ where parkland dedication pursuant to the Quimby Act is required by local community plans
- C. **Requirement.** As a condition of approval of a Final Map or Parcel Map, the subdivider shall satisfy one (1) of the following requirements, at the option of the County:
- (1) For new subdivisions containing fifty-one (51) or more parcels:  
(i) an offer of dedication of land planned to a public or private non-profit agency for public park or recreation use as identified in the County General Plan, according to the formula and standards set forth in Section A314-29E, trails and support facilities identified in the County Trails Plan, and coastal access as identified in access component of the Coastal Land Use Plan; or (ii) an in lieu fee in accordance with the provisions of sub-Section A314-29F to provide an appropriate contribution to public parks or recreation. It shall be the County's option to decide whether dedication of land or in lieu fees shall be required.
  - (2) For new subdivisions containing fifty (50) or fewer lots or parcels: an in lieu fee shall be provided consistent with the provisions of sub-Section A314-29F; except that, if mutually agreeable, the subdivider and the County may agree to the dedication of land or a combination of dedication and fee payment.
  - (3) Subdivisions containing less than five (5) parcels and not used for residential purposes shall be exempted from the requirements of this section. However, a condition shall be placed on the approval of such parcel map that if a building permit is requested for construction of a residential structure or structures on one or more of the parcels within four years, the fee shall be required to be paid by the owner of each such parcel as a condition to the issuance of such permit.
- D. **General Standard.** Public parkland and/or recreation facilities shall be provided at the rate of three acres for each 1,000 persons, equal to a standard of 130 square feet per person. This standard shall be

utilized pursuant to sub-Section A314-29E for the determination of parkland dedication.

- E. **Formula for Dedication of Parkland.** The amount of land (per dwelling unit), where land is dedicated, shall be determined by the application of the following formula:

130 square feet per person multiplied by the average number of persons per household. The average number of persons per household shall be determined by the Planning Department from time to time based on demographic research and available County census data from the United State Bureau of the Census.

- F. **Fees in Lieu Or Land Dedication.** Where a fee is required to be paid in lieu of land dedication, the amount of such fee shall be based upon the fair market value of the amount of land which would otherwise be required to be dedicated pursuant to Section A314-29D. The "fair market value" shall be determined at the time of filing the Tentative Map or Tentative Parcel Map.

If the subdivider objects to the fair market value determination, he may, at his own expense, obtain an appraisal of the property by a qualified real estate appraiser mutually agreed upon by the County in determining the fair market value.

A fee paid in-lieu of land dedication shall be paid to the County prior to the recordation of the Subdivision Map or Parcel Map. For multiple final maps, the fee paid in-lieu of land dedication shall be paid prior to the recordation of the final map for each unit or phase.

- G. **Deferred Payment of Fees for Secondary Dwelling Units.** The Hearing Officer may approve a request by the subdivider to defer payment of a portion of the fee paid in-lieu of land dedication for secondary dwelling units on each parcel created by the subdivision map. Any such deferral shall be subject to the recordation of an agreement between the subdivider and the County to convey development rights for the secondary dwelling unit.

The amount of the fee paid in-lieu of dedication subject to the conveyance agreement shall be determined for each affected parcel prior to the recordation of the Subdivision Map or Parcel Map. The fee breakdown for individual parcels subject to deferment shall be in the same proportion that the size of the lot bears to the total aggregate area of the parcels covered by the conveyance.

If the fee paid in-lieu of land dedication is deferred, reconveyance of development rights shall be initiated upon payment of the fee in-lieu of dedication by the record owner of the subject parcel at the time the request for reconveyance is made to the County.

## HOME OCCUPATIONS

### 1) *Modify §A314-17 of the coastal zoning ordinance.*

#### Section A314-17. HOME OCCUPATION

- A. **Purpose and Applicability.** The purpose of these regulations is to permit limited nonresidential accessory activities to be performed within dwellings as home occupations clearly incidental and secondary to residential uses, provided that surrounding properties are protected from objectionable external effects resulting from such activities. These regulations shall apply in all zones and to all permitted commercial uses of a nonresidential nature which are subordinate to the residential use. An application for a Home Occupation Permit shall be accompanied by an application fee in the amount established by resolution of the Board of Supervisors.
- B. **Home Occupations Permitted.** Home Occupations, as defined in Chapter 2, shall be permitted, as appurtenant and accessory to any residential use, in any zone subject to all applicable requirements of this section.
- C. **Home Occupation Requirements.** All home Occupations shall continuously meet all of the following standards except that with a coastal development permit, the hearing officer may modify or waive requirements (1), (3), (4) and (5) as provided below:
- (1) **Location.** The home occupation may only be performed within a habitable room of a dwelling unit. It may not be performed in an open area;
  - (2) **Floor Area.** The home occupation use shall not occupy more than twenty-five (25) percent of the floor area of the dwelling unit in which it is located;
  - (3) **Separate Access.** No portion of any dwelling shall be used for a home occupation which has a separate designated access or private entrance specifically intended for the home occupation use;
  - (4) **Physical Alterations.** No owner of any dwelling used for a home occupation shall make any internal alterations or extensions to such dwelling, or make structural, electrical, or plumbing alterations in any portion thereof not customarily found in similar dwellings. Waiver of this requirement may only be allowed if interior and exterior physical alterations retain the residential character of the structure;
  - (5) **Employees.** No person other than residents of the dwelling unit may be employed in the conduct of the home occupation. Waiver of this requirement may be allowed, but in no case shall more than one person other than residents of the dwelling be employed in the conduct of the home occupation;

- (6) Articles Sold. Articles offered for sale shall be limited to those produced on the premises, except where the person conducting the home occupation serves as an agent or intermediary between offsite suppliers and offsite customers in which case all articles, except for samples, shall be received, stored and sold directly to customers at off-premises locations;
  - (7) Exterior Display and Signs. There shall be no exterior or window display of materials or products. No exterior or window sign may advertise or otherwise identify the home occupation except for one with a display surface not exceeding two (2) square feet, that is non-moving, attached to the dwelling unit, and which has illumination, if any, which is indirect and nonflashing. There shall be no other exterior indication of the home occupation or impairment of the residential appearance of the facilities within which the home occupation is performed.
  - (8) Outside Storage. There shall be no storage of materials or supplies or products outside the dwelling unit;
  - (9) Vehicle Storage. No more than one (1) truck or other motor vehicle of no larger size than three-fourths (3/4) of a ton shall be permitted in conjunction with any home occupation;
  - (10) Mechanical Equipment. Mechanical equipment and supplies of a type customarily appurtenant to the profession may be used so long as no external manifestations thereof are apparent;
  - (11) Nuisances. The home occupation shall be so operated as not to generate noise, vibration, smoke, odors, humidity, heat, cold, glare, dust, dirt, or electrical disturbance to a degree than that normal for the neighborhood;
  - (12) Traffic Generation. Pedestrian and vehicular traffic generated by the home occupation shall not be substantially greater than that normally generated by residential uses in the neighborhood in which it is located;
  - (13) Additional Home Occupations. More than one (1) home occupation may be performed within a single dwelling unit provided that all other requirements of this section are met and a permit is secured for each home occupation;
- D. Exclusions. The following activities shall not in any case qualify as a "home occupation":
- (1) Teaching of organized classes totaling more than six (6) persons at one time. (Applicable to the entire dwelling where more than one (1) home occupation exists);
  - (2) Bed and Breakfast Inns;



- (3) Care, treatment, boarding or breeding of animals for profit;
- (4) Operation of a barbershop;
- (5) Operation of food handling, processing or packing;
- (6) Operation of an eating or drinking establishment or licensed premises;
- (7) Operation of an antique shop or similar retail use;
- (8) Operation of hospitals or sanitariums;
- (9) Auto or other motor vehicle repair shop, junk or secondhand merchandise yard storage.

E. **Address of Convenience.** An address of convenience, as defined by this code, is a type of home occupation which, due to the low potential for significant impacts on the neighborhood, may be approved without the analysis and review required of other home occupations.

F. **Revocation.** In the event of a failure to comply with these home occupation regulations, the Hearing Officer may after notice revoke approval of a home occupation. Such revocation may be appealed pursuant to the Appeals Procedures provided in Chapter 5. In any case, a permit for a home occupation shall expire at the same time a business license issued therefor expires, unless such business license is renewed within thirty (30) days after such expiration.

*SINGLE FAMILY HOMES ON MULTIFAMILY ZONED LOTS*

*1) Modify §A313-14 of the coastal zoning ordinance.*

Section A313-14. RM RESIDENTIAL MULTI FAMILY USE ZONE.

A. Principal Permitted Uses.

- (1) Residential Use Types
  - Multi Family Residential
  - Group Residential
- (2) Civic Use Types
  - Minor Utilities

B. Conditionally Permitted Uses. The following use types are permitted pursuant to the Development Permit Procedures in Chapter 5 of this Division.

- (1) Residential Use Types
  - Single Family Residential where it can be shown that the property could be developed in the future with multifamily dwellings. The Hearing Officer may require submittal of a development plan which shows how the multifamily dwelling units could be sited on the property in conformance with County requirements.
  - Mobilehome Parks; subject to the Mobilehome Park Regulations.
- (2) Civic Use Types
  - Essential Services
  - Community Assembly
  - Non-Assembly Cultural
  - Public Recreation and Open Space
  - Oil Gas Pipelines; subject to the Oil and Gas Pipelines Regulations.
  - Major Electrical Distribution Lines; subject to the Electrical Distribution Lines regulations.
- (3) Commercial Use Types
  - Bed and Breakfast Establishments; subject to the Bed and Breakfast Establishment Regulations.
  - Transient Habitation
  - Private Recreation
  - Neighborhood Commercial (Permitted with a use permit only in the Coastal Zone.)
  - Office and Professional Service
  - Private Institution
- (4) Commercial Timber Use
  - Timber Production
- (5) Natural Resources Use Types
  - Fish and Wildlife Management
  - Watershed Management
  - Wetland Restoration
  - Coastal Access Facilities

C. Development Standards

- (1) Minimum Lot Size: 5,000 square feet.
- (2) Maximum Density: The maximum density as specified on the adopted zoning maps. A minimum of one (1) dwelling unit per lawfully created lot is permitted, even if the specified maximum dwelling unit density is exceeding if it meets all other development standards. The maximum density shall be calculated as the total number of dwelling units divided by the total area within the lot and within one-half of any adjacent street.
- (3) Minimum Lot Width: 50 feet.
- (4) Maximum Lot Depth: Three (3) times the lot width.
- (5) Minimum Yard Setback:
  - (a) Front: Twenty (20) feet;
  - (b) Rear: Ten (10) feet;
  - (c) Interior Side: Five (5) feet;
  - (d) Exterior Side: Same as front or one-half (1/2) the front if all parts of the main building are more than twenty-five (25) feet from the rear lot line, and the exterior side yard does not abut a collector or higher order street. (In questionable cases, the Public Works Director shall classify the subject street).
  - (e) Double Frontage Lots: Front and rear- twenty (20) feet; except that the rear yard setback may be reduced to ten (10) feet where such yard abuts an alley.
  - (f) For Flag Lots, the Planning Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.
- (6) Minimum Setbacks Between Detached Multiple Unit Dwellings: On building sites containing more than one (1) main detached multiple unit residential building, the required distances between such buildings apply:
  - (a) Minimum distance between buildings: Ten (10) feet;
  - (b) Minimum distance between the front of any dwelling unit in a building and any other building onsite: Twenty (20) ft.
  - (c) Minimum distance between the front of any dwelling unit and any side lot line: Twelve (12) feet;

- (d) Minimum distance between buildings exceeding two (2) stories: two (2) feet increase, over setbacks specified in (a), (b), and (c) above, for each additional story.
- (7) Maximum Ground Coverage: Sixty Percent (60%)
- (8) Maximum Structure Height: Forty-five (45) feet;
- (9) Permitted Principal Building Types:
  - (a) Single Detached (only one dwelling per lot), manufactured homes in mobilehome parks;
  - (b) Duplex, multiple dwellings, and multiple dwelling groups;
  - (c) Limited Mixed Residential-Nonresidential;
  - (d) Non-Residential Detached, or Multiple/Group.

### *Eel River Area Plan Changes*

*The following language will be inserted after Section 5.10 (Introduction):*

#### 5.15 DENSITY BONUSES AND PLANNED UNIT DEVELOPMENTS

Density ranges described in land use designations may be exceeded to encourage affordable housing production pursuant to §65915 of the California Government Code (Density Bonuses). Density ranges may also be exceeded within Planned Unit Developments (PUD's). Also, a variety of housing types and a mixture of residential and commercial uses may be allowed to encourage affordable housing production under the provisions of State law referenced above, and in PUD's to encourage the provision of extraordinary public benefits within subdivisions.

### *South Coast Area Plan Changes*

*The following language will be inserted after Section 5.10 (Introduction):*

#### 5.15 DENSITY BONUSES AND PLANNED UNIT DEVELOPMENTS

Density ranges described in land use designations may be exceeded to encourage affordable housing production pursuant to §65915 of the California Government Code (Density Bonuses). Density ranges may also be exceeded within Planned Unit Developments (PUD's). Also, a variety of housing types and a mixture of residential and commercial uses may be allowed to encourage affordable housing production under the provisions of State law referenced above, and in PUD's to encourage the provision of extraordinary public benefits within subdivisions.

### *McKinleyville Area Plan Changes*

*The following language will be inserted after Section 5.10 (Introduction):*

#### 5.15 DENSITY BONUSES AND PLANNED UNIT DEVELOPMENTS

Density ranges described in land use designations may be exceeded to encourage affordable housing production pursuant to §65915 of the California Government Code (Density Bonuses). Density ranges may also be exceeded within Planned Unit Developments (PUD's). Also, a variety of housing types and a mixture of residential and commercial uses may be allowed to encourage affordable housing production under the provisions of State law referenced above, and in PUD's to encourage the provision of extraordinary public benefits within subdivisions.

### *Trinidad Area Plan Changes*

*The following language will be inserted after Section 4.10 (Introduction):*

#### 4.15 DENSITY BONUSES AND PLANNED UNIT DEVELOPMENTS

Density ranges described in land use designations may be exceeded to encourage affordable housing production pursuant to §65915 of the California Government Code (Density Bonuses). Density ranges may also

be exceeded within Planned Unit Developments (PUD's). Also, a variety of housing types and a mixture of residential and commercial uses may be allowed to encourage affordable housing production under the provisions of State law referenced above, and in PUD's to encourage the provision of extraordinary public benefits within subdivisions.

### *Humboldt Bay Area Plan Changes*

*The following modifications will be made to Section 4.10 (Introduction):*

#### 4.10 INTRODUCTION

The Area Plan Land Use Maps indicate the planned principal use for all areas in the Coastal Zone. These planned uses are the basis on which zoning and subsequent development decisions are made; their intent is to guide the development of each area within the framework of community goals and objectives (Chapter 3 of the Area Plan) and the requirements of Public Resources Code section 30000 et seq., (the California Coastal Act of 1976):

On the maps, the planned principal uses - or planning designations are indicated by symbols; the key on the map indicates which symbol stands for which planning designation. In this chapter, the standards for permitted use are identified for each planning designation. While in some cases these standards are very specific, they are for the most part of a more general nature than the zoning standards, (these are found in the Coastal Zoning Ordinance). This is for a definite reason: the plan designations for an area indicate the overall pattern of eventual development for several years ahead, while the zoning now in force limits present development to what can now be supported in the area. Ordinarily only one zone will be compatible with a single plan designation, and any zoning adopted must conform with and be adequate to carry out the land use plan.

For each Urban and Rural land use designation, the purpose, principal use, and conditional use, and as applicable, the gross density are identified.

Oil and gas pipelines and electrical transmission lines are allowed in all land use designations, in accordance with Sections 3.14B (5) and (6), in both urban and rural areas, by conditional use permit. Surface mining and solid waste disposal projects are allowed in certain land use designations according to the policies of Sections 3.14B (9) and (10).

Should a discrepancy exist between the list of allowable uses of these Chapter 4 land use designations and the policies of Chapter 3, the policies of Chapter 3 take precedence.

Density ranges described in land use designations may be exceeded to encourage affordable housing production pursuant to §65915 of the California Government Code (Density Bonuses). Density ranges may also be exceeded within Planned Unit Developments (PUD's). Also, a variety of housing types and a mixture of residential and commercial uses may be

allowed to encourage affordable housing production under the provisions of State law referenced above, and in PUD's to encourage the provision of extraordinary public benefits within subdivisions.

### *NorthCoast Area Plan Changes*

*The following language will be inserted after Section 5.10 (Introduction))*

#### 5.15 DENSITY BONUSES AND PLANNED UNIT DEVELOPMENTS

Density ranges described in land use designations may be exceeded to encourage affordable housing production pursuant to §65915 of the California Government Code (Density Bonuses). Density ranges may also be exceeded within Planned Unit Developments (PUD's). Also, a variety of housing types and a mixture of residential and commercial uses may be allowed to encourage affordable housing production under the provisions of State law referenced above, and in PUD's to encourage the provision of extraordinary public benefits within subdivisions.

## ORDINANCE NO. 2367A

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF  
THE COUNTY OF HUMBOLDT AMENDING DIVISION I OF TITLE III OF THE HUMBOLDT  
COUNTY CODE (THE ZONING ORDINANCE), MODIFYING SECTIONS 313-139 (DEFINITIONS - D), 312-16 (DE  
MINIMUS WAIVERS), 313-45.2 (COTTAGE INDUSTRY), 313-112.1 (RESIDENTIAL DENSITY BONUS), 313-113.1  
(SPECIAL OCCUPANCY PARKS), 313-31.1 (PLANNED UNIT DEVELOPMENT), 313-87.1 (SECOND RESIDENTIAL  
UNIT), 313-2 (CN: NEIGHBORHOOD COMMERCIAL), 313-5.1 (PR: PUBLIC RECREATION), 313-5.3 (CRD: COASTAL  
DEPENDENT COMMERCIAL RECREATION), 313-6.1 (RS: RESIDENTIAL SINGLE FAMILY), 313-6.2 (RM:  
RESIDENTIAL MULTI-FAMILY), 313-6.3 (R2: MIXED RESIDENTIAL), 313-6.4 (RA: RURAL RESIDENTIAL  
AGRICULTURAL), 313-7.1 (AE: AGRICULTURAL EXCLUSIVE), 313-7.2 (TC: COMMERCIAL TIMBER), 313-7.3 (TPZ:  
TIMBERLAND PRODUCTION ZONE), 313-162 (PURPOSE OF USE TYPE AND PRINCIPAL PERMITTED USE  
CLASSIFICATIONS), 313-163 (LISTING OF USE TYPE AND PRINCIPAL PERMITTED USE CLASSIFICATIONS), 313-164  
(HOW TO DETERMINE AND CLASSIFY ALLOWED USES WHEN ONE OR MORE USE TYPE MIGHT APPLY), 312-9  
(PUBLIC HEARING REQUIREMENTS), AND 313-148 (DEFINITIONS - M)

### The Board of Supervisors of the County of Humboldt do ordain as follows:

SECTION 1. ZONE AMENDMENT. Division I of Title III of the Humboldt County Code (the Zoning Ordinance), 313-139 (Definitions - D), 312-16 (De Minimus Waivers), 313-45.2 (Cottage Industry), 313-112.1 (Residential Density Bonus), 313-113.1 (Special Occupancy Parks), 313-31.1 (Planned Unit Development), 313-87.1 (Second Residential Unit), 313-2 (CN: Neighborhood Commercial), 313-5.1 (PR: Public Recreation), 313-5.3 (CRD: Coastal Dependent Recreation), 313-6.1 (RS: Residential Single Family), 313-6.2 (RM: Residential Multi-Family), 313-6.3 (R2: Mixed Residential), 313-6.4 (RA: Rural Residential Agricultural), 313-7.1 (AE: Agricultural Exclusive), 313-7.2 (TC: Commercial Timber), 313-7.3 (TPZ: Timberland Production Zone), 313-162 (Purpose of Use Type and Principal Permitted Use Classifications), 313-163 (Listing of Use Type and Principal Permitted Use Classifications), 313-164 (How To Determine and Classify Allowed Uses When One Or More Use Type Might Apply), 312-9 (Public Hearing Requirements), and 313-148 (Definitions - M) are hereby amended as shown on the attached pages (modifications requested by the Coastal Commission are shown in underline text, deletions are shown in ~~strikeout~~ text, and new revisions are shown in double underline text).

SECTION 2. EFFECTIVE DATE. This ordinance shall take effect and be in full force thirty (30) days from the date of its passage or on the date of final certification by the Coastal Commission, whichever occurs later. A summary shall be published at least five (5) days before the date for adoption and again fifteen days after passage of this ordinance. It shall be published at least once with the names of the Board of Supervisors voting for and against the ordinance in a newspaper of general circulation published in the County of Humboldt, State of California.

PASSED, APPROVED AND ADOPTED this 25th of July 2006 the following vote, to wit:

AYES: SUPERVISORS SMITH, RODONI, WOOLLEY, NEELY, AND GEIST

NOES: NONE

ABSENT: NONE

EXHIBIT NO. 3  
APPLICATION NO.  
HUM-MAJ-2-06  
HUMBOLDT COUNTY LCP  
AMENDMENT  
COUNTY RESOLUTIONS  
(1 of 3)

(SEAL)

ATTEST:

Lora Canzoneri

Clerk of the Board of Supervisors  
of the County of Humboldt, State of California.

*Lora Canzoneri*  
Lora Canzoneri

*[Signature]*  
Chair of the Board of Supervisors  
of the County of Humboldt, State of  
California

The within instrument is a full, true  
and correct copy of the original on  
file in this office.

ATTEST:

LORA CANZONERI

Clerk of the Board of Supervisors of  
the State of California in and for the  
County of Humboldt

By *Lora Canzoneri*



BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified Copy of Portion of Proceedings, Meeting of Tuesday, July 25, 2006

RECEIVED

OCT 04 2006

RESOLUTION NO. 06 -73a

CALIFORNIA  
COASTAL COMMISSION

**ADOPTING REVISIONS TO THE LOCAL COASTAL PLANS  
ASSOCIATED WITH THE IMPLEMENTATION OF THE 1998 HOUSING ELEMENT, TRANSMITTING  
THE PLAN AND ZONING ORDINANCE CHANGES TO THE COASTAL COMMISSION FOR HEARING  
AND FINAL CERTIFICATION, AND REQUESTING THE COASTAL COMMISSION REMOVE FROM  
CONSIDERATION THE  
AMENDMENTS TO §313-19.1 (D - DESIGN REVIEW)**

WHEREAS, on February 9, 1998, the Board of Supervisors adopted the 1998 Housing Element and an implementation program which included concurrent adoption of amendments to the Coastal Plans, and the Coastal Zoning Ordinance; and

WHEREAS, on February 9, 1998, the Board of Supervisors also adopted Resolution No. 98-114c, directing staff to transmit the proposed amendments to the Coastal Plans and Coastal Zoning Ordinance to the Coastal Commission for review; and

WHEREAS, on February 9, 2006, the Coastal Commission approved the proposed amendments to the Local Coastal Plans with some suggested modifications (attached); and

WHEREAS, on February 9, 2006 the Coastal Commission also approved the proposed amendments to the Coastal Zoning Ordinance with some modifications as shown in Attachment 2.

NOW, THEREFORE, BE IT RESOLVED by the Humboldt County Board of Supervisors that this Board has reviewed and considered the modifications to the County's submittal requested by the Coastal Commission; and

BE IT FURTHER RESOLVED that this Board of Supervisors finds that the proposed LCP amendment modifications proposed by the Coastal Commission are in the public interest because they are consistent with the Local Coastal Program (LCP) amendments approved by the Board of Supervisors on February 9, 1998.

BE IT FURTHER RESOLVED that this Board of Supervisors hereby finds that the proposed LCP amendment modifications proposed by the Coastal Commission are consistent with the California Coastal Act.

BE IT FURTHER RESOLVED that the proposed LCP amendment modifications proposed by the Coastal Commission are consistent with a comprehensive view of the General Plan.

BE IT FURTHER RESOLVED that this Board of Supervisors hereby intends to carry out the Local Coastal Program in a manner fully consistent with the California Coastal Act.

BE IT FURTHER RESOLVED that the attached LCP amendment submittal was modified from the original 1998 submittal consistent with the approved language as shown in the Coastal Commission staff report dated January 27, 2006 (Attachment 3).

BE IT FURTHER RESOLVED that the Board of Supervisors intends that certification of the amendments will take effect automatically upon California Coastal Commission approval pursuant to Public Resources Code Sections 30512, 30513, and 30519.

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BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified Copy of Portion of Proceedings, Meeting of Tuesday, July 25, 2006

**RESOLUTION NO. 06 -73a**

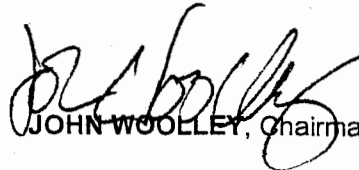
*(Page Two of Two)*

BE IT FURTHER RESOLVED that these amendments are hereby adopted by the Board of Supervisors.

BE IT FURTHER RESOLVED that this Board of Supervisors hereby directs Planning staff to submit the modified Coastal Plan amendments (attached) to the California Coastal Commission for hearing and final certification.

BE IT FURTHER RESOLVED that this Board of Supervisors also hereby directs Planning staff to submit the modified Coastal Zoning Ordinance amendments (Attachment 2) to the California Coastal Commission for hearing and final certification with the exception of the amendments to §313-19.1 of Humboldt County Code (D - Design Review).

BE IT FURTHER RESOLVED that this Board of Supervisors also hereby directs Planning staff to request the California Coastal Commission remove from consideration the amendments to §313-19.1 of Humboldt County Code (D - Design Review).



JOHN WOOLLEY, Chairman of the Board

***Adopted on motion by Supervisor Neely, seconded by Supervisor Geist, and the following vote:***

AYES: Supervisors Smith, Woolley, Neely, and Geist  
NOES: Supervisor Rodoni  
ABSENT: None  
ABSTAIN: None

STATE OF CALIFORNIA )  
County of Humboldt )

s.s.

I, Lora Canzoneri, Clerk of the Board of Supervisors of the County of Humboldt, State of California, do hereby certify the foregoing to be a full, true, and correct copy of the original made in the above-titled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my office.

In Witness Whereof, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.



LORA CANZONERI, Clerk of the Board of Supervisors of the County of Humboldt, State of California – September 25, 2006

*The within instrument is a full, true and correct copy of the original on file in this office.*

ATTEST:

LORA CANZONERI

Clerk of the Board of Supervisors of the State of California in and for the County of Humboldt.

*Lora Canzoneri*  
9-25-06

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